

# INDEX TO THE PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

FIRST SESSION OF THE LEGISLATIVE COUNCIL  
UNDER THE GOVERNMENT OF INDIA ACT, 1935

Vol. I (Nos. 1 & 2); Vol. II (Nos. 1 to 10).

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## PERSONNEL OF THE GOVERNMENT OF MADRAS.

### GOVERNOR OF MADRAS.

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

### COUNCIL OF MINISTERS.

The following Ministers (except the Hon. Dr. P. Subbarayan who was out of India at the time) took their seats on the 14th July 1937 and the business of the Government was allocated among them as mentioned against the name of each :—

(1) The Hon. Mr. C. RAJAGOPALACHARIAR to be the Minister in charge of the Public and Finance Departments.

(2) The Hon. Mr. T. PRAKASAM to be the Minister in charge of the Revenue Department.

(3) The Hon. Mr. YAKUB HASAN to be the Minister in charge of the Public Works Department.

(4) The Hon. Dr. P. SUBBARAYAN to be the Minister in charge of the Education and Legal Departments.

(5) The Hon. Dr. T. S. S. RAJAN to be the Minister in charge of the Public Health Department.

(6) The Hon. Mr. V. I. MUNISWAMI PILLAI to be the Minister in charge of the Agriculture and Rural Development Department.

(7) The Hon. Mr. V. V. GIRI to be the Minister in charge of the Industries and Labour Department.

(8) The Hon. Mr. S. RAMANATHA PILLAI to be the Minister in charge of the Administration Reports and Public Information Department.

(9) The Hon. Mr. K. RAMAN MENON to be the Minister in charge of the Courts and Prisons Department.

(10) The Hon. Mr. B. GOPALA REDDI to be the Minister in charge of Local Administration Department.

*Note.*—Till the Hon. Dr. P. SUBBARAYAN assumes the duties of his office they will be performed, in his absence, by the Hon. Mr. S. RAMANATHA PILLAI.

PRINCIPAL OFFICERS OF THE MADRAS  
LEGISLATIVE COUNCIL.

*President.*

The Hon. Mr. U. RAMA RAO.

*Deputy President.*

M.R.Ry. K. VENKATASWAMI NAYUDU Garu.

*Secretary to the Council.*

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



# ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

| Name of member.                                   | Name and class of constituency.        |
|---------------------------------------------------|----------------------------------------|
| 1 Abdul Wahab, Munshi ..                          | Madras North, Muhammadan.              |
| 2 Abdul Wahab Bukhari, Syed.                      | Madras North Central, Muham-<br>madan. |
| 3 Ahmed Meeran, S. K. .. ..                       | Madras South, Muhammadan.              |
| 4 Alaganan Chettiyar, Rao Sahib<br>A. S.          | Madura, General.                       |
| 5 Bheema Rao, B. .. ..                            | Bellary, General.                      |
| 6 Birley, Sir Frank .. ..                         | European.                              |
| 7 Daivasigamani Mudaliyar, Rao<br>Bahadur K.      | Chingleput, General.                   |
| 8 Ganga Raju, V. alias Gangayya.                  | West Godavari, General.                |
| 9 Gonsalves, S. J. .. ..                          | Indian Christian.                      |
| 10 Gulam Jilani Quraishi, Khan<br>Bahadur Moulvi. | Madras South Central, Muham-<br>madan. |
| 11 Hamid Sultan Marakkayar,<br>Khan Bahadur.      | Madras South Central, Muham-<br>madan. |
| 12 Hensman, Mrs. H. S.                            | NOMINATED.                             |
| 13 Kumaraswami Mudaliyar,<br>Medai Dalavoi.       | Tinnevely, General.                    |
| 14 Madhava Menon, K. .. ..                        | Malabar, General.                      |
| 15 Mallikarjunudu, K. P. .. ..                    | Kistna, General.                       |
| 16 Mammu Keyi, C. P. .. ..                        | Madras West Coast, Muham-<br>madan.    |
| 17 Manjaya Hegde, D. .. ..                        | South Kanara, General.                 |
| 18 Moidu, Khan Bahadur T. M. ..                   | Madras West Coast. Muham-<br>madan.    |
| 19 Narayana Menon, M. .. ..                       | Malabar, General.                      |
| 20 Narayana Rao, M. .. ..                         | Anantapur, General.                    |
| 21 Narayanaswami Nayudu, B. ..                    | Kistna, General.                       |
| 22 Peddi Raju, P. .. ..                           | West Godavari, General.                |
| 23 Perumalswami Reddiyar, C. ..                   | North Arcot, General.                  |
| 24 Rajan, The Hon. Dr. T. S. S.<br>(Minister).    | NOMINATED.                             |
| 25 Ramakrishna Reddi, Rao<br>Bahadur M.           | Chittoor, General.                     |
| 26 Ramalingham Chettiyar, T. A.                   | Coimbatore cum Nilgiris, General.      |
| 27 Ramalinga Reddi, C. .. ..                      | NOMINATED.                             |
| 28 Raman, Rao Bahadur M. ..                       | NOMINATED.                             |
| 29 Ramanathan Chettiyar, S. A.<br>S. Rm.          | Tanjore, General.                      |
| 30 Rama Rao, The Hon. Mr. U.<br>(President).      | Madras City, General.                  |
| 31 Rengaswami Ayyangar, A. ..                     | Ramnad, General.                       |
| 32 Runganathan, Diwan Bahadur<br>S. E.            | Indian Christian.                      |
| 33 Saldanha, Jerome A. .. ..                      | Indian Christian.                      |
| 34 Samiappa Mudaliyar, N. R. ..                   | Tanjore, General.                      |

| Name of member.                                                | Name and class of constituency. |
|----------------------------------------------------------------|---------------------------------|
| 35 Sankara Reddi, N. . . . .                                   | Kurnool, General.               |
| 36 Satagopa Mudaliyar, S. K. . .                               | Salem, General.                 |
| 37 Sivasubrahmanya Ayyar, K. S.                                | Tanjore, General.               |
| 38 Srinivasa Ayyangar, K. V. . .                               | Trichinopoly, General.          |
| 39 Srinivasa Ayyangar, R. . . .                                | South Arcot, General.           |
| 40 Srinivasa Ayyangar, T. C. . .                               | Ramnad, General.                |
| 41 Srinivasan, Diwan Bahadur R.                                | NOMINATED.                      |
| 42 Srinivasa Sastri, P.C., C.H., The<br>Right Honourable V. S. | NOMINATED.                      |
| 43 Sriramamurti, D. . . . .                                    | East Godavari, General.         |
| 44 Subba Raju, Nadimpalli . . .                                | East Godavari, General.         |
| 45 Subbarami Reddi, L. . . . .                                 | Nellore, General.               |
| 46 Subba Rao, L. . . . .                                       | East Godavari, General.         |
| 47 Thomas, Dr. P. J. . . . .                                   | NOMINATED.                      |
| 48 Usman, K.C.I.E., Khan Bahadur<br>Sir Mahomed.               | NOMINATED.                      |
| 49 Vasanta Rao, Rao Bahadur V.                                 | Cuddapah, General.              |
| 50 Veerabhadraswami, P. . . . .                                | Vizagapatam, General.           |
| 51 Venkatachalamaji, N. . . . .                                | Vizagapatam, General.           |
| 52 Venkata Jogayya Pantulu, V.                                 | Vizagapatam, General.           |
| 53 Venkatapunnayya, V. . . . .                                 | Guntur, General.                |
| 54 Venkata Reddi Nayudu, K.C.I.E.,<br>Rai Bahadur Sir Kurma.   | NOMINATED.                      |
| 55 Venkataswami Nayudu, K.<br>(Deputy President).              | Madras City, General.           |

## THE MADRAS LEGISLATIVE COUNCIL.

### OFFICIAL REPORT OF THE FIRST SESSION OF THE FIRST LEGISLATIVE COUNCIL.

Wednesday, the 14th July 1937.

The House met in the Council Chamber, Fort St. George, at eleven of the clock.

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

#### I.—SWEARING IN OF MEMBERS.

Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur, who had been appointed by His Excellency the Governor under sub-sections (3) and (5) of section 65 of the Government of India Act, 1935, to perform the duties of the office of President till the President or Deputy President is elected, first made the prescribed oath of allegiance to the Crown before M.R.Ry. D. K. V. Raghava Varma Garu appointed for the purpose under section 67 of the Government of India Act, 1935, and then took his seat in the President's Chair.

\* Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur (Temporary President):—"I am sure hon. Members are aware that under sub-sections (3) and (5) of section 65 of the Government of India Act, His Excellency the Governor has been pleased to appoint me to undertake the duties of the President of this Council till its President or Deputy President is chosen. In accordance with that appointment I am here to-day to preside over the meetings of this Council.

"The business before the House, I am sure you all know, is the taking of oath. The Hon. Sir K. V. Reddi Nayudu need not take the oath as he has already done so before His Excellency.

"The names of hon. Members will be called by the Secretary in the alphabetical order and each hon. Member will come forward and take the oath prescribed under the Act before the Secretary."

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

|                                          |                                        |
|------------------------------------------|----------------------------------------|
| Abdul Wahab, Mr. Munshi.                 | Gulam Jilani Quraishi, Khan Bahadur    |
| Abdul Wahab Bukhari, Mr. Syed.           | Moulvi.                                |
| Ahmed Meeran, Mr. S. K.                  | Hamid Sultan Marakkayar, Khan Bahadur. |
| Bheema Rao, Mr. B.                       | Hensman, Mrs. H. S.                    |
| Birley, Sir Frank.                       | Kumaraswami Mudaliyar, Mr. Medai       |
| Dajvasigamani Mudaliar, Diwan Bahadur K. | Dalavoi.                               |
| Ganga Raju alias Gangayya, Mr. V.        | Madhava Menon, Mr. K.                  |
| Gonsalves, Mr. S. J.                     | Mallikarjunudu, Mr. K. P.              |

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Mammu Keyi, Mr. C. P.  
 Manjaya Hegde, Mr. D.  
 Moidu, Khan Bahadur T. M.  
 Narayana Menon, Mr. M.  
 Narayana Rao, Mr. M.  
 Peddi Raju, Mr. P.  
 Perumalswami Reddiyar, Mr. C.  
 Ramakrishna Reddi, Rao Bahadur M.  
 Ramalinga Reddi, Mr. C.  
 Raman, Rao Bahadur M.  
 Ramanathan Chettiyar, Mr. S. A. S.  
 Rm.  
 Rama Rao, Mr. U.  
 Rangaswami Ayyangar, Mr. A.  
 Runganathan, Diwan Bahadur S. E.  
 Saldanha, Mr. Jerome A.  
 Samiappa Mudaliyar, Mr. N. R.  
 Sankara Reddi, Mr. N.  
 Satagopa Mudaliyar, Mr. S. K.

Sivasubramania Ayyar, Mr. K. S.  
 Srinivasa Ayyangar, Mr. K. V.  
 Srinivasa Ayyangar, Mr. R.  
 Srinivasa Ayyangar, Mr. T. C.  
 Srinivasan, Diwan Bahadur R.  
 Srinivasa Sastri, B.C., C.H., The Right  
 Honourable, V. S.  
 Sriramamurti, Mr. D.  
 Subba Raju, Mr. Nadinipalli.  
 Subbarami Reddi, Mr. L.  
 Subba Rao, Mr. L.  
 Thomas, Dr. P. J.  
 Vasanta Rao, Rao Bahadur V.  
 Veerabhadraswami, Mr. P.  
 Venkatachalamani, Mr. N.  
 Venkata Jogayya Pantulu, Mr. V.  
 Venkatapunnayya, Mr. V.  
 Venkata-swami Nayudu, Mr. K.

Khan Bahadur Sir MAHOMD USMAN SAHIB Bahadur (Temporary President:—"The Council will now adjourn and meet again to-morrow at 11 a.m.

The House accordingly adjourned at 11-30 a.m.

#### II.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *G.O. No. 161, Finance (Ways and Means), dated 26th April 1937, relating to Agreement between the Government of Madras and the Reserve Bank of India.*

2. *G.O. No. 723, Public (Elections), dated 10th April 1937, relating to periodical retirement of Members of the Madras Legislative Council.*

3. *G.O. No. 908, Development, dated 20th April 1937, amending certain rules under the State Aid to Industries Act.*

4. *G.O. No. 2135, Development, dated 26th November 1936, confirming certain amendments to the rules issued under the Co-operative Societies Act, 1932.*

5. *G.O. No. 216, Development, dated 29th January 1937, confirming certain amendments to the rules issued under the Co-operative Societies Act, 1932.*

6. *G.O. No. 1109, Development, dated 17th May 1937, confirming certain amendments to the rules issued under the Co-operative Societies Act, 1932.*

7. *G.O. No. 1148, Development, dated 21st May 1937, confirming certain amendments to the rules issued under the Co-operative Societies Act, 1932.*

8. *G.O. No. 2312, Development, dated 21st December 1936, issuing certain amendments to the Madras Commercial Crops Markets Rules.*

9. *G.O. No. 205, Development, dated 28th January 1937, issuing certain amendments to rule 8 of the rules issued under the Madras Commercial Crops Markets Act.*

[14th July 1937]

10. *Notification relating to the bifurcation of the South Arcot District Board.*

11. *Notification relating to the bifurcation of the Trichinopoly District Board.*

12. *Notification relating to the bifurcation of the Tinnevely District Board.*

13. *Notification relating to the supersession of Tadpatri Municipality.*

## THE MADRAS LEGISLATIVE COUNCIL.

**Thursday, the 15th July 1937.**

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur (Temporary President) in the Chair.

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

### I.—SWEARING IN OF A MEMBER.

The following Member took the oath of allegiance to the Crown:—

Mr. B. Narayanaswami Nayudu.

### II.—ELECTION OF PRESIDENT.

\* Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur (Temporary President):—“ The only item of business for to-day is the election of the chief officers of the Chamber, namely, the President and the Deputy President under section 65 (5) of the Government of India Act, 1935.

“ We will now proceed with the election of the President.

“ Under rule 7 (4) of the Madras Legislative Council Rules, I have first to read out to the Council the names of the members who have been duly nominated for the Presidentship together with those of their proposers and seconders. The are—

|                  |     |     |     |                             |
|------------------|-----|-----|-----|-----------------------------|
| Member nominated | ... | ... | ... | Mr. U. Rama Rao.            |
| Proposer         | ... | ... | ... | Mr. A. Rangaswami Ayyangar. |
| Secunder         | ... | ... | ... | Mr. K. Venkataswami Nayudu. |
| Member nominated | ... | ... | ... | Mr. U. Rama Rao.            |
| Proposer         | ... | ... | ... | Mr. K. P. Mallickarjunudu.  |
| Secunder         | ... | ... | ... | Mr. A. Rangaswami Ayyangar. |
| Member nominated | ... | ... | ... | Mr. U. Rama Rao.            |
| Proposer         | ... | ... | ... | Mr. B. Bheema Rao.          |
| Secunder         | ... | ... | ... | Mr. M. Narayana Rao.        |

“ As only one member, namely, Mr. U. Rama Rao has been nominated under rule 7 (4) of the Council Rules, I declare him elected.

“ Hon. Members, before I vacate this seat, it is my proud privilege to-day to offer, on behalf of this Council, our felicitations and congratulations to the Hon. Dr. U. Rama Rao on his unanimous election to the presidential Chair of this august body, and I am sure I am voicing forth the opinion of every member of this House when I say that he will have our fullest co-operation in the discharge of his most onerous and responsible duties as the President of this House. (Cheers.) On this unique occasion, I think, it will not be out of place if I say how glad we are that the majority party, the Congress Party, has accepted the responsibility of office and thus restored the normal political life of

[Sir M. Usman]

[15th July 1937]

this country. (Cheers.) (The Rt. Hon. V. S. Srinivasa Sastri: 'Hear, hear.') I have now very great pleasure in requesting the Rt. Hon. Srinivasa Sastri and Mr. T. C. Srinivasa Ayyangar to conduct the President-elect to the Chair."

Accordingly, the Hon. Mr. U. Rama Rao was conducted to the Chair which he then occupied amid loud and continued cheers.

\* The Hon. the PRESIDENT:—"Gentlemen, I heartily thank you for having elected me unanimously to the Presidentship of this Council. I deem it a great privilege and honour to be your President."

### III.—ELECTION OF DEPUTY PRESIDENT.

\* The Hon. the PRESIDENT:—"The next item in the List of Business is the election of the Deputy President."

"Under sub-rule (4) of Rule 8 of the Madras Council Rules, I have, first to read out to the Council the names of the persons who have been duly proposed, together with the names of their proposers and seconders. They are as follows:—

| Member nominated.           | Proposer.                   | Secunder.                  |
|-----------------------------|-----------------------------|----------------------------|
| Mr. K. Venkataswami Nayudu. | Mr. A. Rangaswami Ayyangar. | Mr. U. Rama Rao.           |
| Do.                         | „ K. P. Mallikarjunudu.     | „ A. Rangaswami Ayyangar.  |
| Do.                         | „ B. Bheema Rao.            | „ N. Narayana Rao.         |
| Do.                         | „ N. Subba Raju.            | „ S. K. Satagopa Mudaliar. |

"As only one member has been proposed for election, namely, Mr. K. Venkataswami Nayudu, I declare him duly elected." (Loud cheers.)

Mr. K. Venkataswami Nayudu then shook hands with the President and took his seat in the Chamber.

\* Mr. V. V. JOGIAH PANTULU:—"With your permission, Sir, I would like to speak a few words on this occasion. It is with very great pleasure that I rise to welcome you, Sir, as President of this House. You are aware that there were very few medical practitioners who had been called to such high office in the Legislatures before. I am glad to find now-a-days that men who are in active medical practice also have been coming forward to do active work, and one such I may mention here is Dr. T. S. S. Rajan, our friend from Trichinopoly.

"So far as our President is concerned, he is not a dark horse and no introduction is necessary to any of us. He has been connected with public work for over two decades so far as I know and he is not one of those who confine themselves to their medical practice. He believes that to do service to man is to do service to God and he therefore gives his time freely to all activities which conduce to the welfare of the people. He has been taking an active part in the affairs of the Congress for a very long time. He was President of the Andhra-Madras District

[15th July 1937]

[Mr. V. V. Jogiah Pantulu]

Congress Committee and he is now, I hear, the President of the Karnataka District Congress Committee. He is one of the reputed practitioners of Madras and has always been forward in helping matters which conduce to the good of the people.

"With these words, I congratulate you, Sir, on the election that has been made and I am quite sure that God will enable you to discharge your duties without fear or favour." (Cheers.)

Rao Bahadur Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, may I, with your permission, join in the felicitations that have been offered, so deservedly, to you. You are not only the supreme guardian of order in this House, but you are also the bulwark of the privileges of this House. We know you, Sir, for a long time and I am confident that this House will agree with me when I say that, remembering your great colleague and collaborator in years gone by, a man who made part of the history of this province, your independent spirit will assert itself in this House and, as has been said, you will discharge your duties without fear or favour on all sides. Sir, you belong to this House; you are no longer a party man, if I may say so; and when you belong to this House, you belong to the whole province, and that is a sufficient guarantee for us that your sense of impartiality, independence and justice will make no difference between man and man, between member and member. And on our side, we are perfectly willing and ready to co-operate with you and assist you in so far as it lies in our power."

\* Mr. R. SRINIVASA AYYANGAR:—"Mr. President, Sir, as one who has been connected with this Legislature for a number of years and as one who has known you personally and intimately for over a quarter of a century, I would like to associate myself whole-heartedly with the previous speakers in the congratulations that were showered upon you. I have known you, and most of the Members know you, personally for a fairly long period. We have known you as a good, steady and sturdy fighter, without mincing matters. I may say, Sir, all your critics have oftentimes found you very slashing in your criticism, and that was due to the strong conviction that you had and the strong feeling that you were fighting a good and noble cause. Your independence is fairly well known. It has been your good fortune to occupy the Chair that was presented to us about 15 years ago—in March 1922 when I was a Member of the old Council, since designated the Assembly—by a former Governor of Madras who afterwards became the Viceroy of India and who is happily still in the land of the living, I mean Lord Willingdon.

"Three essential qualities upon which he laid considerable stress, namely, sound judgment, tact and ability to arrive at correct and quick decisions, you possess in an abundant measure. I may assure this House that the dignity, independence, reputation and high traditions of the office will be found absolutely safe in your hands. You have never been known to be funky. Your boldness and independence are too well known. It has been said in some quarters that you are not

[Mr. R. Srinivasa Ayyangar] [15th July 1937]

a lawyer. What of that? Non-lawyer as you are, you possess an advantage which we lawyers do not possess. Lawyers have been known to indulge and take delight in technicalities and hair-splitting. You are absolutely free from that. I mean no disparagement to my lawyer friends because I am a lawyer myself. I am expressing my own feeling. I feel absolutely certain that you will get the necessary co-operation from this section of the House. Sir K. V. Reddi said that from this moment you ceased to be a party man. I am not sorry for it, though personally speaking, our party may be considered to have sustained a loss. We do not expect any favour from you, nor do we desire you to strain any point in our favour. I am sure you will hold the scales even. We are sure, and I do expect that you will be absolutely impartial to every section of the House. I wish you Godspeed."

Mr. K. MADHAVA MENON:—"Mr. President, Sir, there is particularly no meaning in my congratulating you or expressing my felicitations to you, as you have come to this office on the ticket of the party to which I have the honour to belong. As the previous speakers have said, you belong to no party. But I could not contain myself the joy that I feel on seeing the Gandhi cap on your head—that cap which was according to my own experience once considered as a cap symbolizing opposition to Government. I remember that cap was once taken away from my head by a constable and put upon a spike as if that was a great enemy of the Government. I cannot contain myself my joy to see that that cap adorns the President of this House and that cap will be respected as the cap of the Government and not a cap against the Government (Cheers). It is only to express my joy at that that I stand here before you, Sir."

\* Sir FRANK BIRLEY:—"Mr. President, Sir, I also should like to offer you and the Deputy President my very hearty congratulations on your election to the honourable office to which you have been unanimously elected by the Members of this House. During the many years, Sir, which I trust you may occupy that Chair, there may be, it is safe to say there most certainly will be, much wordy warfare on the floor of this House. In fact, I am not prepared to promise that I shall not disagree with my colleagues on occasions, but in spite of that, Sir, you may take my assurance and the assurance of my colleagues here that I shall always co-operate not only to uphold the honour and dignity of the Chair, but to lighten your labours and to make your task a pleasant one."

Mr. B. BHEEMA RAO:—"Sir, it gives me considerable pleasure to congratulate you on your election as President of this House. Well, there is one thing which I cannot avoid saying to this House and it is this: though the Congress has no provincial or local spirit, you originally belonged to Karnataka. Now you no doubt have settled in Madras; yet we regard you as a member of the Karnataka province. And I, coming from the district which is in part at least Karnataka, have considerable pleasure in offering my congratulations to you. Of course with regard to the other aspects I need not speak at great length. You are the real guardian of the privileges of the entire House. As

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about that aspect other gentlemen have already spoken, I do not like to take any more of your time. With these words, Sir, I resume my seat."

\* Mr. J. A. SALDANHA:—"Sir, I join most heartily the chorus of congratulations and felicitations to you on your election as President. You belong to the South Kanara district to which I myself belong. You remember the days when we were associated together in the early period since 1924, and for two or three years we fought for the rights and privileges of the people of this Presidency and particularly South Kanara. You were afterwards elected to be a member of the Council of State. Your life has been a life of strenuous fight and strife for the happiness and welfare of the people at large and your coming back to this Council instead of hankering after higher places in the Council of State, is a source of gratification for us and all the more our joy is that you are elected unanimously to be President of this Council, which office I hope you will enjoy for many years. I am sure that you will carry to your new office the stern spirit of independence which you always exhibited, the tactfulness and urbanity, and the genial manner which you have always shown towards all persons, even those who were hostile towards you. I therefore on behalf of the Members of this House and specially the friends of South Kanara and my constituency heartily offer you congratulations."

\* Khan Bahadur MOULVI GHULAM JILANI QURAISHI SAHIB Bahadur:—"Mr. President, Sir, on behalf of the Muslim group, I offer our sincere felicitations to you on your unanimous election to the Presidential Chair. We are also very glad that the Congress which commands an overwhelming majority in this province has realized that it should shoulder the responsibility for carrying on the administration. Sir, veteran politician as you are, we hope that you will carry on the responsible duties of your office fairly, justly, impartially and with independence, best maintaining the privileges of this House."

\* Rao Bahadur M. RAMAKRISHNA REDDI:—"Mr. President, I rise on this pleasant and memorable occasion to congratulate you most heartily on your taking the office of presidentship. It will not be an exaggeration if I make myself bold to say that you richly deserve this office of responsibility. It is an accepted political principle that the President is above parties and that he can do no wrong as the King of England. I am sure that with your long experience and the long practice in the medical world you can be expected to do everything to protect our rights and privileges as members of this Honourable House. I only pray that the Almighty may give you sufficient strength to carry on the high responsibility of the head of this Honourable House."

Khan Bahadur T. M. MOIDU SAHIB Bahadur:—"Mr. President, Sir, on behalf of representatives of the group to which I belong I offer my sincere congratulations on your election to the presidentship. Knowing you, as I do, from my infancy I must congratulate the House also for unanimously electing you."

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\* Mr. A. RANGASWAMI AYYANGAR:—" I need hardly say that every one of the words of congratulation is quite appropriate in your case. As a matter of fact there is peculiar appropriateness in your being elected as the President of this Council.

" The country has been ill for half a century now and it has been going through the stage of convulsions during the last three months and it is in the fitness of things that a good doctor should be the President of the Council. There is no use in the doctor being good if all his prescriptions are not going to be followed by a reliable chemist and we are also having in the Deputy President a representative of a reliable firm of chemists in the Madras City. (Cheers.) Though there is a certain amount of regret among the ranks of the Congress Party because they are practically losing one among themselves, making a present as it were to the Opposite Party, what is a loss to the Congress Party is certainly a gain to the Council as a whole and the country in general. Therefore, Sir, I have very great pleasure in congratulating the President and Deputy President of the Council." (Cheers.)

Mr. D. MANJAYYA HEGDE:—" I am very glad to associate myself with the previous speakers in the congratulations to you on your unanimous election to this seat. I note that, although you come from Madras, you belong to South Kanara. You once represented the South Kanara district some years ago in the same House for the General Constituency. Now on behalf of my constituency I offer my hearty congratulations once more. I also offer my hearty congratulations on your unanimous election to the seat."

\* The Hon. the PRESIDENT:—" Hon. Members have showered encomia on me, which I ill-deserve. I should very much have liked to sit down with a sincere 'Thank you, Sirs,' but that would not be right. Let me offer you my heartfelt thanks for having elected me to the Presidential Chair and for the good words you have said about me. That I, who belong to the Congress, should have the unanimous support of the Council, augurs well for the future of our country. I have now become a man that belongs equally to all of you without distinction of party and my duty is to hold the scales even and to be just and impartial to all and to see that the business of the House is conducted expeditiously and well. I expect all Hon. Members to help me in this task and co-operate with me in the discharge of my duties. I had been a Member of the old Legislative Council, under the Dyarchic Constitution and it is a pleasure to see a good many of my old friends and acquaintances there sitting in this Council with me and discharging a work quite different from what was done in the old Council. This Council is meant to be a revising Chamber and though some misgivings have been and are still being entertained with regard to its usefulness, I have no doubt that this Council will work in harmony with the Lower House and contribute to the well-being of the people of this Province.

" I thank you once more for the great honour you have done me in electing me as your President." (Applause.)

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\* Mr. K. VENKATASWAMI NAYUDU (The Deputy President):—" Mr. President, Sir, kindly permit me to thank the Hon. Members of this Council for the signal honour they have done me in electing me as the Deputy President of this House. This is really a House of Elders. There are veteran legislators here, who have been in the Councils for a number of years, men of approved merit and of great intellect. It is indeed a unique pleasure to get this honour at their hands.

" I must remember that it is an honour done to that great National Organization, the Indian National Congress, the Congress that has made great sacrifices in the struggle for India's Freedom. The fight is still there. This is a new phase of the great struggle and let us hope that the ideal for which the Congress stands will be achieved in the not distant future. It gives me great pleasure to note what great confidence Congress has reposed in me. I pray that I may deserve all this. Let me follow in the footsteps of our President and assure you that while I am in the Presidential Chair, I shall be absolutely fair to all parties and do my best to maintain the dignity of the high office to which you have elected me to-day. I once again thank the various speakers for the kind words they have spoken of me.

" Mr. President, let me also add my own humble congratulations to you on your elevation to that great Chair." (Applause.)

\* The Hon. the PRESIDENT:—" The House will now adjourn and meet again at 11 a.m. on Monday, the 16th August 1937."

## PERSONNEL OF THE GOVERNMENT OF MADRAS.

### GOVERNOR OF MADRAS.

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

### COUNCIL OF MINISTERS.

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

#### A. CHIEF SECRETARIAT (PUBLIC DEPARTMENT).

##### *Provincial subjects—*

Agency tracts.

Assumption of office by Governor.

Business and Secretariat Rules.

Business of Government—Distribution among Departments of the Secretariat.

Cabinet—Arrangements for meetings.

Civil Lists—Preparation.

Committees and conferences not pertaining to any other department of the Secretariat.

Correspondence—Objectionable—Censorship.

Criminal Investigation Department—Other than establishment.

Elections to the Provincial legislature including election offences and disputed elections.

Examinations—Government—Departmental—

Board of Examiners.

Foreign Governments and Indian States—Correspondence with.

General—Questions of a general nature which cannot be allotted to any particular department.

Government House—

(i) Establishments—

Band.

Bodyguard.

Governor's Secretary's office.

Medical.

Military Secretary's office.

(ii) Grants—

Contract.

Furniture.

Sumptuary.

Tour.

(iii) Personal staff of the Governor.

(iv) Works—

Construction.

Maintenance and furnishing.

Government Servants' Conduct Rules.

Handbook of Procedure and Precedents.



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

High Court Judges—Leave.

Holidays.

Indian Civil Service and listed posts.

Internal Security.

Islands—Laccadives, Amindivi and Minicoy.

Judicial and Executive functions—Separation of.

Land returns—General questions.

Legislative bodies (other than Madras)—Proceedings—Marking of subjects for the perusal of Members of Government.

Legislative Council and Legislative Assembly.

Madras Public Service Commission.

Magistrates (other than Honorary)—Suspension, removal, etc.

Ministers—Appointments and resignation.

Newspapers and Periodicals—Perusal of.

Office procedure.

Officers—European—Casualty report.

Ootacamund, Stonehouse Hill—Move to and from.

Petition Rules.

Political Handbook.

Political offences—Prosecutions.

Precedence—Warrant of—

Darbari Zamindars.

Prisoners, State.

Public Peace—Disturbance of.

Public Services—

Communal representation—General questions.

General questions and commissions of enquiry.

Notification (including exemptions).

Revised scales of pay.

Service associations.

Services under the control of the Local Government—

Statutory rules to regulate the method of recruitment, conditions of service, pay, allowances and pension—General revision and amendments of existing rules.

Special tests—General questions and exemptions.

Statutory Rules and Orders—

Civil Services (Classification, Control and Appeal) Rules.

Superior Civil Services Rules.

Subordinate Services—

Discipline and Appeal Rules.

Passage Rules.

Religious or communal disputes.

Reports—

Fortnightly.

Matters of political and administrative importance.

Returns—Next of kin.

Secretariat—

Buildings.

Central Issue Branch.

Central Records Branch.

Establishment.

Library.

Manual.

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

Telegrams—Reuters and News Agency.

Visits—

Commander-in-Chief.

Distinguished foreigners.

Flag Officer, Commanding Royal Indian Navy.

Governors of other provinces.

Indian Chiefs.

Naval Commander-in-Chief.

Viceroy.

Warships, British and foreign.

*Concurrent subjects—*

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

*Federal subjects—*

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

Consuls—

British.

Foreign.

Council of State—Nomination of members.

Defence of India—

Army in India Reserve of Officers.

Auxiliary and Territorial forces.

Ex-army men.

Movement of troops.

Naval, military and air forces in India.

Ecclesiastical affairs.

External affairs.

Federal Public Services.

Federal Public Service Commission.

French Settlements in India.

Indian Chiefs and States.

Naval, military and air force works.

Political charges.

Political detenus from Indian States.

Political Pensions.

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

Reforms.

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

Relations with States in India.

Territorial Changes.

## B. HOME DEPARTMENT.

*Provincial subjects—*

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

*Concurrent subjects—*

Persons subject to preventive detention under Federal authority.

## B. HOME DEPARTMENT—cont.

*Federal subjects—*

Central Intelligence Bureau.

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

## C. FINANCE DEPARTMENT.

*Provincial subjects—*

Accounts, Provincial (including classification and prescription of units).

Annual financial statement (Budget).

Appropriation Accounts and Auditor-General's report thereon.

Audit of receipts and accounts of stores and stock.

Commercial accounts.

Economies in expenditure.

Famine Relief Fund.

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

Financial Rules.

Fundamental Rules (including Revised Leave Rules).

Loans and Advances.

Local Fund Audit.

Provincial balances.

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

Reappropriations.

Re-employment of civil pensioners.

Secretariat—Cash Bureau.

Service Pensions (including Provident Funds).

Supplementary Statements of expenditure.

Taxation and allied measures—initiation of.

Travelling allowance rules.

Treasury Rules.

Ways and Means.

*Federal subjects—*

Corporation Tax.

Currency, coinage and legal tender.

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

Indian Audit and Accounts Service examination.

Post Office Savings Bank.

Public Debt of the Federation.

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

*Provincial subjects—*

Board of Revenue (general).

City Tenants' Protection Act.

Constitution of districts, divisions and taluks.

Court of Wards and Zamindars—

Impartible Estates Act.

*Provincial subjects—cont.*

Deputy Collectors.

District Gazettes and Gazetteers.

Duties in respect of succession to agricultural land.

Estates Land Act.

Famine relief.

Floods.

Inams.

Irrigation (minor works)—

Minor irrigation establishments.

Minor irrigation works.

Navigation.

Water-rate.

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

Alienation of land revenue.

Assessment and collection of land revenue.

Buildings.

Colonization and disposal of Crown lands.

Establishment.

Land improvement and agricultural loans.

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

Maintenance of land records—Survey for revenue purposes—

Records of rights.

Management of Government estates.

Miscellaneous.

Revenue Recovery Act.

*Lands—*

Acquisition.

Alienation.

Assignment.

Encroachment.

Land records.

Military lands.

Railway lands.

Transfer of lands between Central and Provincial Governments.

Malabar Tenancy Act.

Pensions—Hereditary not being political.

Pounds and prevention of cattle trespass.

Procedure in rent and revenue courts.

Registration.

Season.

Settlement—Kistbandi.

Special funds.

Stamp duty on documents—Rates of.

Survey—Boundary disputes.

Taxes on agricultural income.

Transfer of villages.

Treasure trove.

Treasuries.

Village accounts.

*Provincial subjects—cont.*

Village establishments.  
Water-supply.  
Yeomiahhs.

*Concurrent subjects—*

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

Registration of deeds and documents.

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

*Federal subjects—*

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

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

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

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

Salt.

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

Survey of India.

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

*Provincial subjects—*

Canals—Irrigational and navigable.

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

Gas and gas works.

Hydro-electric schemes.

Inland waterways and traffic thereon.

Irrigation—Major works.

Minor ports.

Minor railways, light and feeder railways.

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

Railway—Accidents.

Railway lands—Jurisdiction.

Rivers—Conservancy.

Taxes on boats.

Tramways—Extra municipal.

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

*Concurrent subjects—*

Boilers.

Electricity.

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

*Federal subjects—*

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

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

Cemeteries and tombs, including European cemeteries.

Lighthouses, including light ships and beacons.

Major ports—Constitution and powers of port authorities therein.

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

Port quarantine and marine hospitals.

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

Railways other than minor railways—Construction and regulation.

Taxes on railway fares and freights.

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

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

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

## A. EDUCATION.

*Provincial subjects—*

Appeals from educational, medical and public health staff employed under local boards and municipal councils.

## Books—

## Copyright—

Registration of.

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

Certificate of age and qualification.

Civil Orphan Asylum.

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

Epigraphy.

Examinations except Public Service Notification and Board of Examiners.

Government Presses.

Libraries.

Literary, scientific, religious and other societies and associations.

Liveries and clothing.

Madras Record Office.

Museums.

Preservation and translation of ancient manuscripts.

Provincial gazetteers.

Stationery and printing.

Translators to Government.

Zoological gardens.

• *Concurrent subjects—*

Legal, medical and other professions.

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

Ancient and historical manuments.

Archæology.

Copyright.

Federal agencies and institutes for research, for professional or technical training, or for the promotion of special studies.

The Imperial Library, the Indian Museum and any other similar institution controlled or financed by the Federation.

## B. LEGAL.

## Acts.

## Advising Government—

(a) in matters of litigations, appeals, etc.;

(b) on legal questions which are not of sufficient importance to necessitate a reference to the Advocate-General.

Bills, non-official—Scrutiny of.

Government Bills—Drafting and scrutiny.

Law Officers—References to.

Legal assistance to Government servants.

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

Legislation—Secretariat work connected with.

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

Notifications—Scrutiny of.

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

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

## A. PUBLIC HEALTH.

*Provincial subjects—*

Adulteration of foodstuffs and other articles.

Hospitals and dispensaries.

Medical administration, including medical questions relating to the

Corporation of Madras and local bodies.

Pilgrimages within British India.

Places of Public Resort Act.

Public Health, including public health questions relating to the

Corporation of Madras and local bodies.

Registration of births, deaths and marriages.

Sanitation.

Stores—Rules and general questions.

Vital statistics.

*Concurrent subjects—*

Health insurance, including invalidity pensions; old age pensions.

Lunacy and lunatic asylums.

Prevention of the extension from one unit to another of infectious or contagious diseases affecting men.

## B. LOCAL ADMINISTRATION.

*Provincial subjects—*

Burial and burial grounds other than European cemeteries.

Choultries.

Inns and inn-keepers.

Langarkhanas including the Triplicane poor house.

Religious and Charitable Endowments.

Town-Planning.

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

## A. DEVELOPMENT DEPARTMENT.

*Provincial subjects—*

Agriculture including agricultural education.

Agricultural statistics.

Cinchona.

Cottage Industries.

Fisheries.

Forests, including ryots' and panchayat forests.

Money-lending and money-lenders.

Protection of wild animals and birds.

Rural indebtedness.

Statistics for purposes of provincial matters.

Veterinary department including Veterinary Education.

Weights and measures.

*Concurrent subjects—*

Prevention of the extension from one unit to another of infectious or contagious diseases or pests affecting animals or plants.

Statistics for the purpose of any of the matters in the concurrent field.

*Federal subjects—*

Botanical survey.

Census.

Fishing and fisheries beyond territorial waters.

Meteorology—Federal organizations.

Standards of weight.

Statistics for the purpose of any of the Federal matters.

Zoological survey.

## B. REVENUE DEPARTMENT.

*Provincial subjects—*

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

(a) Alcoholic liquors for human consumption.

(b) Opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs.

(c) Medicinal and toilet preparations containing alcohol, opium, etc.

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

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

*Provincial subjects—*

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

*Concurrent subjects—*

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

*Federal subjects—*

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

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

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

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

*Provincial subjects—*

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

*Provincial subjects—cont.*

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

*Concurrent subjects—*

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

*Federal subjects—*

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

*Federal subjects—cont.*

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

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

*Provincial subjects—*

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

*Federal subjects—*

Local self-government in cantonment areas.

PRINCIPAL OFFICERS OF THE MADRAS  
LEGISLATIVE COUNCIL.

**President.**

THE HON. DR. U. RAMA RAU.

**Deputy President.**

M.R.RY. K. VENKATASWAMI NAYUDU GARU.

**Panel of Chairmen.**

1. KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR.
2. THE RT. HON. V. S. SRINIVASA SASTRI.
3. MR. R. SRINIVASA AYYANGAR.
4. ,, P. PEDDI RAJU.

**Secretary to the Council.**

M.R.RY. D. K. V. RAGHAVA VARMA GARU, B.A., B.L.

# ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

| Name of member.                                   | Name and class of constituency.        |
|---------------------------------------------------|----------------------------------------|
| 1 Abdul Wahab, Munshi ..                          | Madras North, Muhammadan.              |
| 2 Abdul Wahab Bukhari, Syed.                      | Madras North Central, Muham-<br>madan. |
| 3 Ahmed Meeran, S. K. .. ..                       | Madras South, Muhammadan.              |
| 4 Alagannan Chettiyar, Rao<br>Sahib A. S.         | Madura, General.                       |
| 5 Bheema Rao, B. .. ..                            | Bellary, General.                      |
| 6 Birley, Sir Frank .. ..                         | European.                              |
| 7 Daivasigamani Mudaliyar, Rao<br>Bahadur K.      | Chingleput, General.                   |
| 8 Ganga Raju, V. alias Gangayya.                  | West Godavari, General.                |
| 9 Gonsalves, S. J. .. ..                          | Indian Christian.                      |
| 10 Gulam Jilani Quraishi, Khan<br>Bahadur Moulvi. | Madras South Central, Muham-<br>madan. |
| 11 Hamid Sultan Marakkayar,<br>Khan Bahadur.      | Madras South Central, Muham-<br>madan. |
| 12 Hensman, Mrs. H. S.                            | NOMINATED.                             |
| 13 Kumaraswami Mudaliyar,<br>Medai Dalavoi.       | Tinnevely, General.                    |
| 14 Madhava Menon, K. .. ..                        | Malabar, General.                      |
| 15 Mallikarjunudu, K. P. .. ..                    | Kistna, General.                       |
| 16 Mammu Keyi, C. P. .. ..                        | Madras West Coast, Muham-<br>madan.    |
| 17 Manjaya Hegde, D. .. ..                        | South Kanara, General.                 |
| 18 Moidu, Khan Bahadur T. M. ..                   | Madras West Coast, Muham-<br>madan.    |
| 19 Narayana Menon, M. .. ..                       | Malabar, General.                      |
| 20 Narayana Rao, M. .. ..                         | Anantapur, General.                    |
| 21 Narayanaswami Nayudu, B. ..                    | Kistna, General.                       |
| 22 Peddi Raju, P. .. ..                           | West Godavari, General.                |
| 23 Perumalswami Reddiyar, C. ..                   | North Arcot, General.                  |
| 24 Rajan, The Hon. Dr. T. S. S.<br>(Minister).    | NOMINATED.                             |
| 25 Ramakrishna Reddi, Rao<br>Bahadur M.           | Chittoor, General.                     |
| 26 Ramalingam Chettiyar, T. A. ..                 | Coimbatore cum Nilgiris, General.      |
| 27 Ramalinga Reddi, Dr. C. .. ..                  | NOMINATED.                             |
| 28 Raman, Rao Bahadur M. .. ..                    | NOMINATED.                             |
| 29 Ramanathan Chettiyar, S. A.<br>S. Rm.          | Tanjore, General.                      |
| 30 Rama Rao, The Hon. Dr. U.<br>(President).      | Madras City, General.                  |
| 31 Rangaswami Ayyangar, A. ..                     | Ramnad, General.                       |



| Name of member.                                               | Name and class of constituency. |
|---------------------------------------------------------------|---------------------------------|
| 32 Runganathan, Diwan Bahadur S. E.                           | Indian Christian.               |
| 33 Saldanha, Jerome A. . . . .                                | Indian Christian.               |
| 34 Samiappa Mudaliyar, N. R. . .                              | Tanjore, General.               |
| 35 Sankara Reddi, N. . . . .                                  | Kurnool, General.               |
| 36 Satagopa Mudaliyar, S. K. . .                              | Salem, General.                 |
| 37 Sivasubramania Ayyar, K. S. . .                            | Tanjore, General.               |
| 38 Srinivasa Ayyangar, K. V. . .                              | Trichinopoly, General.          |
| 39 Srinivasa Ayyangar, R. . . .                               | South Arcot, General.           |
| 40 Srinivasa Ayyangar, T. C. . .                              | Ramnad, General.                |
| 41 Srinivasan, Diwan Bahadur R.                               | NOMINATED.                      |
| 42 Srinivasa Sastri, P.C., C.H., The Right Honourable V. S.   | NOMINATED.                      |
| 43 Sriramamurti, D. . . . .                                   | East Godavari, General.         |
| 44 Subba Raju, Nadimpalli . . .                               | East Godavari, General.         |
| 45 Subbarama Reddi, L. . . . .                                | Nellore, General.               |
| 46 Subba Rau, L. . . . .                                      | East Godavari, General.         |
| 47 Thomas, Dr. P. J. . . . .                                  | NOMINATED.                      |
| 48 Usman, K.C.I.E., Khan Bahadur Sir Mahomed.                 | NOMINATED.                      |
| 49 Vasanta Rao, Rao Bahadur V.                                | Cuddapah, General.              |
| 50 Veerabhadraswam, P. . . . .                                | Vizagapatam, General.           |
| 51 Venkatachalamaji, N. . . . .                               | Vizagapatam, General.           |
| 52 Venkata Jogayya Pantulu, V.                                | Vizagapatam, General.           |
| 53 Venkatapunnayya, V. . . . .                                | Guntur, General.                |
| 54 Venkata Reddi Nayudu, K.C.I.E., Rai Bahadur Dr. Sir Kurma. | NOMINATED.                      |
| 55 Venkataswam Nayudu, K. (Deputy President).                 | Madras City, General.           |

## JOINT SITTING OF THE MADRAS LEGISLATIVE COUNCIL AND THE MADRAS LEGISLATIVE ASSEMBLY.

**Tuesday, the 31st August 1937.**

The Members of the Council and the Assembly met together in the Senate House, Chepauk, at eleven of the clock, with the President of the Legislative Council (THE HON. DR. U. RAMA RAO) in the Chair.

Mrs. Lakshmi Sankara Ayyar sang the Vande Mataram song, all the Members standing.

### 1.—HIS EXCELLENCY THE GOVERNOR'S ADDRESS.

His Excellency the Governor then arrived in semi-state, and delivered the following address:—

“ Mr. President, Mr. Speaker, Members of the Legislative Council and Assembly,—In this my first address to you under the Reformed Constitution I would like to take the opportunity of congratulating the Presidency on the successful inauguration of Provincial Autonomy and to express my confidence that, in the years that are to come, Madras will remain in the van of the Provinces of India, both from the point of view of good administration and of the efficient working of its parliamentary institutions. We have indeed a great reputation to maintain; nor do I fear that the results of your labours will fall short of the hopes that have been raised.

“ With so great a change in the system of Government as has been produced by the Government of India Act it was not in my view to be expected that the transition from the old to the new Constitution could be brought about without some period of doubts and uncertainties. But in spite of these temporary difficulties we may all of us take pride in the fact that we have so smoothly surmounted our late troubles, and there appears now to be no obstacle to the steady advance of the Province in the paths of self-government.

“ It is not my intention to-day to go into any of those intricate constitutional questions that have been the subject of such detailed debate for the past few months, except to say that it is my sincere belief that owing to those discussions there is now a far better understanding of the real meaning of the constitutional changes that have lately come into effect than there was a few months ago. It is also my confident hope that experience in the actual working of the constitution will sweep away any further doubts that may remain.

“ In this connexion I would like to state that my Ministers have, with my fullest approval, taken many steps to create a good atmosphere for the establishment of the new order. I trust that those actions will bear fruit in the creation of goodwill and confidence and enable my Ministers more easily to discharge their great responsibilities to the people of the Province.

[His Excellency the Governor] [31st August 1937]

"I would also like to take this opportunity of saying a few words concerning the Civil Services and their relations with the Government of the day, as there may still be certain misconceptions on this score in some quarters.

"Let me make it quite plain that there can really be no antagonism between the Government and the Services for the simple reason that the sole object of the Existence of the Services is to carry out the orders of the executive.

"Whether that Executive consists as it did before 1919 of the Governor in Council, or whether it is formed out of a combination of the Governor, Executive Councillors and Ministers as it was previous to April 1st of this year, or whether it is constituted as it is to-day, makes no difference whatever to the ordinary functioning of the administrative machine.

"The individuals who constitute the executive may change, the very form of that authority may alter, as indeed it has done thrice in the Provinces of India in the past seventeen years; but the duty of the Services is in no way affected thereby, for their role is to carry out the orders of whatever form of executive may be established by Law.

"I am well aware that most of you in the Legislatures are perfectly conscious of the axioms as to the relations between a Government and its officers that I have just mentioned, but there may still be some amongst the public outside who may not yet realize the true position; and no doubt a little time may have to elapse before all old misconceptions are completely removed, though I am much encouraged by the present general good feeling to hope that that period will be very short indeed.

"To turn then to another subject, I would like to stress the great differences that have been effected in the Legislature of the Presidency since I last addressed it.

"Instead of one House elected on a restricted franchise with a large official nominated block we have now two Houses, the Council and the Assembly, the latter of which is responsible to a far larger electorate than the previous single Chamber was and, besides, the official block has disappeared altogether.

"Ministers are therefore now entirely dependent on the votes of the elected Members in the Assembly and they are responsible for their policies and actions to those Members and through them to the electors in the constituencies.

"In fact, in the Provincial field the institutions under which we now live are of a representative and responsible character.

"It may seem to many that the experiment of introducing what I may call the Anglo-Saxon type of democracy into the Provinces of India is fraught with many and great difficulties.

"We shall be told that already the world is turning from the ideas of representative Government and it will be pointed out that in many other countries an autocratic or totalitarian form of administration has

31st August 1937] [His Excellency the Governor]

lately been erected on the ruins of a representative system. And the moral will no doubt be drawn that the day of democracy is past before it has even really dawned in India.

"But personally I have great faith in the permanence of the Parliamentary system and, if at present owing to the impact of various forces both internal and external certain countries have been driven to suspend their democratic institutions and resort to the rule of a dictator, it does not necessarily follow that autocratic rule is going to be a permanency. Indeed it may well be that most of us now assembled in this Chamber will live to see in Europe a restoration of the political ideals of the nineteenth century.

"However that may be, we cannot pretend that a democratic system of Government is easy to work, and to you is given the great honour of laying sound foundations on which future generations may build.

"In this respect I would stress the importance of the observance of correct conventions. I am well aware, for instance, that the officers of both Chambers in Madras are agreed as to the need for establishing the convention of the strict impartiality of the Chair. It is true that there are countries where the officer who presides over the deliberations of the Legislature is not necessarily impartial, but I am quite sure myself that the tradition of the Speaker of the House of Commons is the best one to follow. For that House is indeed the oldest elected Legislature in the world and it has arrived at its present conventions after many centuries of trial and experience.

"Again, one of the best features of English political life lies in the fact that differences of political opinion are not allowed to interfere with private friendships. No doubt, as time goes on, questions will arise here on which grave and even passionate differences of opinion will be shown on the floors of these Chambers. But that will be a healthy sign, for there are always two possible views on almost every question and it is in the rough and tumble of debate that the correct course to take must needs be thrashed out.

"But, if debate is to be real, then the minority must be allowed to have their say and unpopular opinions should never be prevented from being put forward openly and fearlessly simply because those opinions do not happen to coincide with the ideas of those who may for the moment be in a majority. In fact, for a democratic system to achieve success absolute freedom of debate must at all times be assured.

"And as it is best that the officers who preside over the deliberations of the Legislatures should be impartial and hold the balance even, so it is essential that the authority and dignity of the Chair should be upheld by all Members quite irrespective of Party. It is only if that course is followed that debate can be conducted under proper conditions and I am sure that the Members of both Houses here present will always support their President and Speaker in the discharge of their onerous and difficult duties.

[His Excellency the Governor] [31st August 1937]

"Members of both Houses, you are about to enter into a momentous period in the history of the Presidency. You have some five years of life before you and into your charge is committed the fortunes and prosperity of many millions of people. I pray that the results of your deliberations will be fruitful, that during your term many ameliorative measures may become law, and that your efficient conduct of your affairs will serve as a model to future Legislatures in the Madras Presidency." (Cheers.)

His Excellency the Governor then left the Chamber.

\* MR. PRESIDENT:—"The sitting will now adjourn. The Assembly will meet again here at 12-30, and the Council will meet in the Fort St. George at 2-30 p.m. to-day."

## THE MADRAS LEGISLATIVE COUNCIL.

The House met in the Council Chamber, Fort St. George, at 2-30 of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

### II.—SWEARING IN OF MEMBERS.

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

RAO SAHIB A. S. ALAGANNAN CHETTIYAR and MR. T. A. RAMALINGAM CHETTIYAR.

### III.—QUESTIONS AND ANSWERS.

#### STARRED QUESTIONS.

*Legislation for the welfare of labourers employed in plantations.*

\* 1 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether in repealing the Madras Planters Act in 1927, there was an assurance given by the Government to introduce legislation sooner or later generally applicable to all industries in the Presidency where labour is employed on a system of advances; and

(b) what steps have been taken or are going to be taken by legislation or otherwise to enforce humanitarian measures for the welfare of labourers in plantations as recommended by the Royal Commission on Labour?

THE HON. MR. V. V. GIRI:—" (a) No.

" (b) The Payment of Wages Act, 1936, which provides for the welfare of labourers employed on railways and in factories was brought into force in the Madras Presidency on 28th March 1937. It applies also to labourers employed in tea factories in plantations. The question of extension of the Act to other plantation labour will soon be taken into consideration."

*Working of the Madras Outports Landing and Shipping Fees Act, 1885, in ports administered under the Act.*

\* 2 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Works be pleased to state—

(a) which of the ports in this Presidency are administered under the operation of the Madras Outports Landing and Shipping Fees Act, 1885;

(b) whether the Government are aware of the complaints or grievances of the people concerned in landing and shipping in any of these ports; and if so, what their nature is;

[31st August 1937]

(c) whether there are reports of the administration of the Landing and Shipping Fees published and, if so, whether they are placed before the Legislature; if not, why not; and

(d) whether the Government have any scheme for placing the administration of these ports on a sounder footing; if so, whether the Government will be pleased to place their scheme before the House?

THE HON. MR. YAKUB HASAN:—“(a) Cocanada, Masulipatam, Cuddalore, Porto Novo, Negapatam, Adirampatnam, Ponnani, Calicut, Tellicherry, Malpe, Mangalore and Hangarkatta.

“(b) No complaints are now before the Government.

“(c) The Administration Reports of the Port Department, copies of which are supplied to the Legislative Council Library, include the reports on the administration of the Outports Landing and Shipping Fees Act (Madras Act III of 1885).

“(d) Government have no scheme under consideration at present.”

DR. SIR K. V. REDDI NAYUDU:—“May I know, Sir, whether the attention of the Government has been drawn to the complaints of the ship-owners in Masulipatam regarding the transmission of goods from the wharf to the mid-sea where the steamer generally lies?”

THE HON. MR. YAKUB HASAN:—“No, Sir.”

DR. SIR K. V. REDDI NAYUDU:—“The information is available; will the Government be pleased to make enquiries and gather the information?”

THE HON. MR. YAKUB HASAN:—“I shall.”

MR. J. A. SALDANHA:—“May I ask if the Hon. Minister is aware that there are many such complaints with regard to many ports? I know there are lot of complaints; they do not reach the ears of the Government. Will the Government be pleased to get the information from the Port Officers or other officers connected with ports?”

THE HON. MR. YAKUB HASAN:—“As the hon. Member says, these complaints do not reach the Government. The Government cannot take notice of complaints which do not reach them.”

*Introduction of the system of Record of Rights in the Presidency.*

\* 3 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government had once in view the introduction of the system of Record of Rights in respect of lands existing in Bombay Presidency and Mysore State into this Presidency; and

(b) whether the project was abandoned and is still held in view as practicable and beneficial?

THE HON. MR. T. PRAKASAM:—“(a) Yes.

“(b) The proposal was dropped in 1928. The question of under-taking legislation to make revenue registry presumptive proof of title is under examination.”

[31st August 1937]

*Distribution of quinine by the Public Health Department.*

\* 4 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state—

(a) in what areas has quinine been distributed free by the Public Health Department, in what quantities and at what cost, during the last three financial years;

(b) through which agencies the distribution has been done;

(c) whether the measure has yielded satisfactory results; and

(d) whether it is contemplated to extend the measure to other areas; if so, which and at what annual cost?

THE HON. DR. T. S. S. RAJAN:—“(a) A statement <sup>a</sup> showing the details for three years ending with 1935–36 is appended.

“(b) The District Health Officer indents on the Director of Public Health's office for quinine in ‘treatment’ packets and distributes them in turn to the local agents carefully selected by him from among those already approved by Government, viz., schoolmasters, revenue officials, missionaries and health staff.

“(c) Yes.

“(d) During the current year, Government of India free gift of quinine is being supplied to some Collectors who have arranged for their wide distribution in co-operation with the District Health Officers. The list showing the distribution is appended.<sup>b</sup> The question of extending free quinine distribution to some villages in Kovvur and Chintalapudi taluks in West Godavari district is under consideration.

“A list of malarious villages in the Presidency is under preparation and after the list is ready, the possibility of further extending free quinine distribution will be considered.”

MR. J. A. SALDANHA:—“May I put my supplementary question, Sir? When quinine was first distributed, the cost of quinine distributed was Rs. 90,000. The amount was gradually intended to be raised.”

MR. PRESIDENT:—“The hon. Member is giving information.”

MR. J. A. SALDANHA:—“I wish to know if the quantity of distribution has gone down. The cost of quinine distributed was intended to be increased year by year; actually it is going down.”

THE HON. DR. T. S. S. RAJAN:—“I do not know what figures the hon. Member is referring to. I have no information before me now, to reply to the hon. Member.”

<sup>a</sup> Printed as Appendix I on page 61 infra.

<sup>b</sup> Printed as Appendix II on page 61 infra.

[31st August 1937]

*Sale of quinine in Post offices.*

\* 5 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) in what shape and at what cost is quinine sold through Post offices in this Presidency;

(b) what advertisement is given to the system;

(c) what the beneficial results yielded are;

(d) whether the quinine is sold at a price lower than the market price; and

(e) whether it is proposed to reduce its price and if so, to what extent?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) Till 1st April 1937, quinine was being sold in all the districts in the Presidency in the form of what are called ‘treatments,’ viz., cardboard boxes containing 20 tablets of 4 grains each, at Re. 0-5-0 each ‘treatment.’ With a view to placing quinine within the purchasing power of every one, a scheme of selling packets containing only 10 tablets at Re. 0-2-6 each as an experimental measure has been introduced for a year from 1st April 1937 in the following districts:—

|                  |                  |
|------------------|------------------|
| 1 Vizagapatam.   | 7 Tinnevely.     |
| 2 West Godavari. | 8 Chittoor.      |
| 3 Guntur.        | 9 Anantapur.     |
| 4 Chingleput.    | 10 Bellary.      |
| 5 Tanjore.       | 11 South Kanara. |
| 6 Ramnad.        | 12 The Nilgiris. |

“The 20 tablet treatments continue to be sold in the remaining districts.

“(b) The Director of Public Health has issued posters on malaria and quinine distribution. The Director, Cinchona Department, has been authorized to advertise Cinchona products on the back page of the various Government publications such as the Quarterly Civil List, the Postal Guide, the Villagers’ Calendar, etc.

“(c) It is too soon to estimate the results.

“(d) Yes.

“(e) No.”

MR. J. A. SALDANHA:—“With reference to answer (c), may I know whether quinine is sold by the Government at a price lower than the market price and by how much it is less than the market price?”

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

[31st August 1937]

*Defects, if any, to be removed in Madras State Aid to Industries Act to be helpful to rural and other minor industries.*

\* 6 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state whether there are any defects that are required to be removed in the Madras State Aid to Industries Act in order to be helpful for the encouragement of (i) rural, (ii) cottage, (iii) nascent and (iv) old key industries, which are struggling for existence; if so, what they are?

THE HON. MR. V. V. GIRI:—“The Government are now considering the question of further amending the Act.”

*Government's policy regarding temperance, total prohibition and national industrialization of Indian liquor manufacture.*

\* 7 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) what is the policy of Government as to temperance and total prohibition; and

(b) whether the Government have in view a scheme of national industrialization of Indian liquor manufacture, its sale in India and export outside India like the liquor industry and export fostered in Great Britain, Ireland, the United States of America and several other foreign countries, as a source of national wealth?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) The policy of the Government is one of total prohibition of the sale, manufacture or consumption of intoxicating drinks and drugs except for industrial and medicinal purposes.

“(b) The answer is in the negative. The Government does not deem the liquor industry as a source of national wealth.”

MR. J. A. SALDANHA:—“With reference to answer (b), may I ask why the liquor industry should not be deemed as a source of national wealth in India, as it is done in other countries?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“It is a matter of opinion.”

*Political prisoners and the treatment accorded to them in prisons.*

\* 8 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Courts and Prisons be pleased—

(a) to place before this House a statement showing (i) the number of political detenus and prisoners in prisons in this Presidency; (ii) the provinces from which they were sent; (iii) the class in which they have been placed as to food and comforts;

(b) to state whether those prisoners are allowed books and papers to read, and if so, which;

[31st August 1937]

- (c) what the general condition of their health is;  
 (d) whether they are subjected to hard labour;  
 (e) whether any of them have been inflicted bodily punishment, like whipping, and if so, for what reasons and how many;  
 (f) whether any of them have been inflicted solitary confinement and if so, why and how many;  
 (g) whether any political prisoners have been released since 1st April 1937; and  
 (h) whether it is proposed to release any of them, and if so, how many and when?

THE HON. MR. K. RAMAN MENON:—“(a) (i) The number of detenus confined in jails in this Province is 5. The term ‘Political prisoners’ does not admit of precise definition and consequently it is not possible to prepare a precise list of them or to give complete and precise answers to all the hon. Member’s questions in so far as they relate to political prisoners.

“(ii) The five detenus come from Bengal and are confined in the Central Jail, Vellore.

“(iii) The rules regarding the classification of prisoners do not apply to the detenus.

“(b) The detenus are allowed to subscribe for the *Hindu* and any of the newspapers, etc., mentioned in the annexed list. They are permitted to take 12 books at a time from the Imperial Library, Calcutta. They are also allowed to take books both in English and in the vernaculars from the Jail library and from other outside sources, provided the books are passed by the Superintendent of the Jail. As regards other prisoners, the attention of the hon. Member is invited to rules 284, 747-C (5) and 747-D (5) of the rules in the Madras Jail Manual, Part II.

“(c) The general condition of health of detenus is reported to be good.

“(d) The detenus are not subjected to hard labour. As regards other prisoners the hon. Member is referred to the rules in Chapter XXIV and XLVI of the Madras Jail Manual, Part II.

“(e) & (f) No instances of bodily punishment or solitary confinement of the detenus have come to the notice of the Government.

“(g) & (h) As already stated, the term ‘political prisoners’ is rather vague. The Government have however considered the cases of certain prisoners and have remitted the unexpired portions of the sentences passed upon the following persons:—

- |                             |                            |
|-----------------------------|----------------------------|
| 1 Munipalli Ramarao.        | 7 Ravi Adisheshaiah.       |
| 2 Kambam Satyanarayana      | 8 Sakiri Krishnaswami.     |
| 3 Mylavaram Ramarao.        | 9 Beeram Ramanatham.       |
| 4 C. P. Elango.             | 10 Pusapati Narasimharaju. |
| 5 Alluri Satyanarayanaraju. | 11 Kosuru Subbaraju.       |
| 6 Uttararaju Suraparaju.    | 12 Kalidindi Bangaruraju.  |

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- |                                                |                                                   |
|------------------------------------------------|---------------------------------------------------|
| 13 Sagiriraju Satyanarayana.                   | 26 Kakarala Kameswara Sastri alias Kameswara Rao. |
| 14 Kota Abbayi Chetti.                         | 27 Chinnappan.                                    |
| 15 Thimnavajjhula Narasimhamurti.              | 28 Gnanaprakasam Pillai.                          |
| 16 Vasireddi Narayanarao.                      | 29 Vellayan alias Sourippan.                      |
| 17 Y. Meheralli.                               | 30 Ponnuswami.                                    |
| 18 Keralaeyan alias Kunhappa Nambiyar.         | 31 Sundaram.                                      |
| 19 K. P. Gopalan.                              | 32 Koyitha Abdulla.                               |
| 20 Chandroth Kunhi Raman Nayar.                | 33 Pottayil Ayidru Musaliar.                      |
| 21 A. K. Gopalan.                              | 34 Mecheri Thazhathveetan Marakkar.               |
| 22 Mukundalal Sirkar.                          | 35 Palliyal Kunhali.                              |
| 23 P. Sundarayya alias Venkatasundarama Reddi. | 36 Panampuzha Moideen Molla.                      |
| 24 Gam Mallu Dora.                             | 37 Manichathodi Uthan.                            |
| 25 Sankoji Moogadu.                            | 38 Oosan Ali.                                     |

“The Government have also removed the restrictions placed on the following Mappilla State detenus:—

- 1 Parapurathil Mamunni.
- 2 Kuthrithodi Alavi.
- 3 Kolleru Kunhalavi Kurikkal.”

#### Annexure.

Newspapers, periodicals and magazines which may be supplied to the detenus and State prisoners.

The following newspapers, periodicals and magazines may be supplied to the detenus, besides any magazines published in Great Britain (except those excluded under the Sea Customs Act):—

#### NEWSPAPERS.

- |                                        |                                       |
|----------------------------------------|---------------------------------------|
| 1 Statesman.                           | 15 Hansa of Benares (Hindi).          |
| 2 Star of India.                       | 16 Jagaran of Benares.                |
| 3 Pioneer.                             | 17 Sudha of Lucknow (Hindi).          |
| 4 Leader of Allahabad.                 | 18 Madhuri (Hindi).                   |
| 5 Statesman (overseas weekly edition). | 19 Sudha (Hindi).                     |
| 6 The Illustrated Weekly edition.      | 20 Utkal Deepika.                     |
| 7 Panchayat of Dacca.                  | 21 Hindu (Sunday edition).            |
| 8 Mymensingh Samachar.                 | 22 Hitavadi (Bengali).                |
| 9 Hindu Ranjika of Rajshahi.           | 23 Midnapur Hitaishi (Bengali).       |
| 10 Kashipur Nivasi of Barisal.         | 24 Whip.                              |
| 11 Sisir (weekly edition).             | 25 Sanjivani.                         |
| 12 Al-Aman of Delhi (Urdu).            | 26 Capital.                           |
| 13 Aftab (Urdu).                       | 27 Charu Mihir Patrika of Mymensingh. |
| 14 Haq (Urdu).                         |                                       |

#### MAGAZINES AND PERIODICALS.

##### English.

- 1 Indian Review.
- 2 Calcutta Review.
- 3 Hindustan Review.
- 4 Indian Historical Quarterly.
- 5 (Indian) Medical Gazette.
- 6 Homœopathic Director.
- 7 Economic Journal.
- 8 (Indian) Medical Journal.
- 9 Industry.
- 10 Review of India.
- 11 Calcutta Weekly Notes.
- 12 Film Land.

##### English—cont.

- 13 Popular Science.
- 14 Scientific American.
- 15 Indian Culture.
- 16 Indian Cricket of Bombay.
- 17 Hahnemann.

##### French.

- 18 Le Rire.

##### Bengali.

- 19 Udbodhan.
- 20 Krishak.
- 21 Utsava.

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## MAGAZINES AND PERIODICALS—cont.

## Bengali—cont.

22 Matri Mandir.  
23 Bhandar.  
24 Krishi Sampad.  
25 Prabuddha Bharat.  
26 Sangit Vignan Prabeshika.  
27 Saurabh.  
28 Pushpa Patra.  
29 Galpa Lahari.  
30 Archana.  
31 Bangabhumii.  
32 Banga Lakshmi.  
33 Janmabhumii.  
34 Pancha Pushpa.  
35 Viswa Bharati.  
36 Bichitra.

## Bengali—cont.

37 Abahan.  
38 Udayan.  
39 Krishi Lakshmi.  
40 Chikitsa Prakas.  
41 Maspaila.  
42 Chhota Galpa.  
43 Parichaya.  
44 Bharatabarsha.  
45 Uttara.  
46 Mauchak.  
47 Sandesh.  
48 Mohan Benu.

## Oriya.

49 Sahakar.

MR. J. A. SALDANHA:—" May I know the exact name to be given to these prisoners? "

THE HON. MR. K. RAMAN MENON:—" That is for the hon. Member to choose."

DR. C. RAMALINGA REDDI:—" May I ask whether the case of Hyder Khan is being considered? "

THE HON. MR. K. RAMAN MENON:—" It is not being considered just at present."

DR. C. RAMALINGA REDDI:—" Will the Hon. Minister take up his case, because we have been agitating about it for a very long time? "

THE HON. MR. K. RAMAN MENON:—" The Government will consider his case."

*Number of and accommodation in Government and other hospitals maintained in the Presidency for affording relief to the public.*

\* 9 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of hospitals maintained by Government, local authorities, private bodies (aided or unaided) for the treatment of patients suffering from various maladies in the whole of the Presidency except those in the city of Madras and in towns which are headquarters of districts; and

(b) in how many of these institutions there are rooms for in-patients and with how many beds?

THE HON. DR. T. S. S. RAJAN:—" (a) & (b) The attention of the hon. Member is invited to Statement C in the ' Annual Report on the working of the Civil Hospitals and Dispensaries ' in 1935; a copy of which is available in the Legislative Council Library."

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MR. J. A. SALDANHA:—" How many dispensaries there are in rural areas where there is no room for in-patients? That information is not given in the report? "

THE HON. DR. T. S. S. RAJAN:—" The Annual Report on the working of Civil Hospitals and Dispensaries during the year 1935 contains all the information which the questioner expects."

MR. J. A. SALDANHA:—" I know that there is no room for in-patients in most of the hospitals and dispensaries in rural parts. Will the Government be pleased to look into the matter and provide the necessary accommodation? For instance, if a patient comes with fever on, to the hospital and if his relatives are unable to take him home back will not the patient be put to much difficulty for want of room in the hospital? "

THE HON. DR. T. S. S. RAJAN:—" The hon. Member is not putting any supplementary question; he is delivering a speech."

MR. J. A. SALDANHA:—" Will the Government be pleased to provide room for in-patients in rural hospitals? "

THE HON. DR. T. S. S. RAJAN:—" The Government would certainly consider the question."

*Agricultural demonstrators and the progress of their work as to agricultural improvements in the Presidency.*

\* 10 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state— 2-45 p.m.

(a) what is the number of taluks each agricultural demonstrator has under his charge;

(b) how many days in a month has each demonstrator to stay at his headquarters and how many days has he to travel and what work does he do during stay and travel;

(c) whether there is a museum or show house in each headquarter of a taluk or district for exhibiting or sale of agricultural seeds, ploughs and other agricultural machinery;

(d) how many experimental or demonstration farms for display or exhibition of agricultural improvements are there in this Presidency;

(e) whether representations have been received from the District Advancement Associations or Economic Councils or other bodies for more (i) agricultural demonstrators, (ii) experimental or demonstration farms, (iii) for museums or show houses of agricultural things; and

(f) what measures the Government propose to take for reforms and improvements in the directions indicated and otherwise to bring home agricultural improvements within consciousness and practice of masses?

A.—(a) An agricultural demonstrator has normally one taluk under his charge.

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- (b) Each demonstrator tours places beyond three miles from his headquarters for 20 days in a month or for a total period of 60 days in a quarter. During his tours he visits ryots in different villages and does propaganda work on agricultural improvement and attends to demonstrations on ryots' lands. During his stay at headquarters he attends the depot where implements are stocked, meets ryots who come to his depot and attends to their needs in the matter of agricultural advice and supply of seeds, implements, and literature. He also visits ryots within a radius of 3 miles when he stays at headquarters and does propaganda work. He attends also to his correspondence and submits returns to the Assistant Director of Agriculture during the time he is at headquarters.
- (c) There is a depot and a show room attached to the office of each agricultural demonstrator where seeds and implements are stocked for exhibition as well as for sale.
- (d) There are 30 farms.
- (e) Representations are no doubt received. The following steps have been taken:—
- (i) A sufficient number of agricultural demonstrators have now been recruited to provide one for each taluk and they are under training. As soon as their training is over, they will be posted to taluks which are still without separate demonstrators.
  - (ii) The number of experimental stations is being gradually increased to the extent funds permit. Recently two farms were opened, one in the Nellore and the other in the Tinnevely district. Proposals for opening more farms are under consideration.
  - (iii) Show rooms are being increased wherever new postings of demonstrators have been made.
- (f) Various measures have been taken to improve the agricultural practices of ryots by propaganda work as detailed in Section V under Demonstration in the Report of the Agricultural Department for the year 1935-36 which has been made available to the Press.

MR. J. A. SALDANHA:—“ Mr. President, Sir, arising out of the answer to clause (b) may I know, in case the demonstrator goes round the taluk for fifteen days in the month and he is not at his headquarters, who will be in charge of attending to enquiries that might be made by purchasers of implements and other things during the absence of the demonstrator? ”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ The maistri who has been allotted to the demonstrator.”

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MR. J. A. SALDANHA:—“ May I know, Sir, whether the maistri will be competent enough to answer such enquiries? ”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ Maistris are as a rule taken from the class of people who know the implements, etc., that are required by the cultivators.”

*Classification of public roads and the grants made to them by the Government of India.*

\* 11 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Works be pleased to state—

(a) under what headings are public roads in this Presidency now divided and by whom is each class constructed and maintained;

(b) to which class of these roads is an aid from the Government of India given and to what extent;

(c) what are the various kinds of roads under the headings mentioned in reply to the last two clauses that are maintained in South Kanara;

(d) what are the number and mileage of military and trunk roads respectively in the districts of South Kanara, South Malabar and North Malabar and Coimbatore;

(e) whether representations are being received as to the inadequacy of first-class roads with substantial bridges to meet the heavy traffic between Mysore and South Kanara; and

(f) what steps are going to be taken by Government for meeting the road needs of the district and at what cost?

THE HON. MR. B. GOPALA REDDI:—“ (a) The roads which are constructed and maintained by local bodies in this Presidency are classified into—

(a) Trunk roads;

(b) important marketing roads;

(c) second class roads; and

(d) other roads not falling under the above classes.

“ Besides there are certain roads constructed and maintained by the Public Works Department. There is no recognized classification of these roads but they may be grouped under (a) roads in special tracts such as in agency tracts; (b) ghaut roads; (c) roads on banks of rivers, canals and channels; and (d) roads of strategic importance. There are also 4,072 miles of roads maintained by the Forest Department and in some cases the District Boards contribute towards the cost of maintenance.

“ (b) The hon. Member presumably refers to grants from the Road Development Fund. The payment of these grants is not restricted to particular kinds of roads. The grants are ordinarily given for capital works and not for maintenance.



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“(c) All the four kinds of roads referred to in clause (a) above are maintained by the South Kanara District Board. No roads in the district are maintained by the Public Works Department. Seventy-seven roads of a total length of 193 miles 2 furlongs are maintained by the Forest Department.

“(d) The mileages of trunk roads in the districts named are given below:—

*South Kanara.*

|                                         | M. | F. | YDS. |
|-----------------------------------------|----|----|------|
| (1) Mangalore-Mercara Trunk road ... .. | 64 | 5  | 61   |
| (2) Mangalore-Mysore road ... ..        | 41 | 4  | 102  |

*Malabar (South and North).*

|                                 |    |   |     |
|---------------------------------|----|---|-----|
| (1) Madras-Calicut road ... ..  | 94 | 3 | 153 |
| (2) Calicut-Gudalur road ... .. | 40 | 6 | 192 |

*Coimbatore.*

|                                                    |    |   |     |
|----------------------------------------------------|----|---|-----|
| (1) Madras-Calicut road ... ..                     | 73 | 5 | 89  |
| (2) Trichinopoly-Coimbatore road ... ..            | 55 | 2 | 170 |
| (3) Coimbatore-Ootacamund road ... ..              | 20 | 1 | 13  |
| (4) Coimbatore-Satyamangalam-Hassanur road. ... .. | 64 | 5 | 37  |

“There are no roads of military importance in these districts.

“(e) No such representations have been received by the Government in recent times.

“(f) The Government have at present under consideration a proposal to increase the maintenance grant—

“(i) for the ghaut portions of the Mangalore-Mysore Trunk road from Rs. 570 per mile to Rs. 885 per mile; and

“(ii) for the non-ghaut portions of the same trunk road from Rs. 570 per mile to Rs. 665 per mile. No other proposals are now under consideration.”

*Destruction of cattle by wild animals in South Kanara.*

\* 12 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased—

(a) to place a statement before the House showing the number of the heads of cattle (cows, bulls and she-buffaloes) killed by panthers and tigers in South Kanara during the years 1926 to 1936 (the year ending 31st March of each year) and the approximate loss in money value to their owners;

(b) to state what in the opinion of Government is the rate of destruction of cattle due to; and

(c) what steps are being taken to check the decimation?

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THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) The number of cattle killed by wild animals in South Kanara during the last four official years was as follows:—

|                |       |
|----------------|-------|
| 1932-33 ... .. | 3,585 |
| 1933-34 ... .. | 3,711 |
| 1934-35 ... .. | 3,316 |
| 1935-36 ... .. | 3,525 |

“The figures for previous years are not available, nor it is possible to give the number killed by tigers and panthers separately.

“On the basis of an average price of Rs. 15 to Rs. 20 per head of cattle the approximate loss in money value was as follows:—

|                |        |
|----------------|--------|
| 1932-33 ... .. | 62,700 |
| 1933-34 ... .. | 64,900 |
| 1934-35 ... .. | 58,000 |
| 1935-36 ... .. | 61,700 |

“(b) The district is hilly and abounds in forests which give shelter to wild animals of all kinds. The ryots make no organized effort to destroy wild animals, while people of the district in general are not much interested in game and seldom go out in shooting parties.

“(c) Four thousand and ninety-one free licences for the possession of arms and ammunition for the destruction of wild animals doing injury to crops or cattle were issued in 1936, and 3,239 licences for the possession of arms for purposes of sport, etc. Beats are occasionally organized, but, as already stated, the ryots make no organized effort to destroy wild animals.”

DR. C. RAMALINGA REDDI:—“May I ask, Sir, whether the number of licences issued in the matter of firearms has been on the increase or on the decrease?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“It is on the decrease.”

DR. C. RAMALINGA REDDI:—“Then, Sir, how do the Government justify their attitude, while on the one side they admit that ravages are increasing and on the other side, they do not give sufficient protection to ryots?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“As and when people asked for licences, they were granted.”

DR. C. RAMALINGA REDDI:—“Will the Government revise their entire policy with regard to the granting of licences which has been most niggardly, if not worse?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“This will be considered.”

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DR. SIR K. V. REDDI NAYUDU:—" Arising out of the answer in which it has been stated that people have not been taking sufficient interest in their attempts to destroy wild animals, may I know whether the Hon. Minister will be pleased to see that it is the duty of the people and not of the State to destroy these animals? "

THE HON. MR. V. I. MUNISWAMI PILLAI:—" As far as possible, the people should co-operate with the Government."

DR. C. RAMALINGA REDDI:—" Will my Hon. Friend, the Minister, kindly evolve a scheme of co-operation by which the people can co-operate with the Government? "

(No answer.)

*Licences for arms issued by District Magistrates to cultivators.*

\* 13 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Courts and Prisons be pleased—

(a) to place a statement before the House showing the number of licences for arms issued in South Kanara during the five years ending the 31st March 1936 especially to cultivators, and the reason for large variations if any and the number of arms licence holders in the district at the close of the year ending 31st March 1937; and

(b) to state if there has been much hesitation on the part of cultivators to apply for licence or on the part of the District Magistrate in granting licences during recent years to them; and if so, what the reasons have been for such hesitation; and

(c) whether the District Magistrate and the District Forest Officers and other local officers have helped the cultivators in organizing shikari parties to kill wild beasts playing havoc with cattle and fields and gardens?

THE HON. MR. K. RAMAN MENON:—" (a) The number of licences for arms which were in force in the South Kanara district during the years 1931 to 1936 was as follows:—

| Description of licence.                                                                                                                                  | During 1931. | During 1932. | On the 31st December |       |       |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|----------------------|-------|-------|-------|
|                                                                                                                                                          |              |              | 1933.                | 1934. | 1935. | 1936. |
| Licence for the possession of arms and ammunition and for going armed for the purposes of sport, protection or display (Form XVI).                       | 3,010        | 3,018        | 2,957                | 3,228 | 3,196 | 3,239 |
| Licence for the possession of arms and ammunition and for going armed for the destruction of wild animals which do injury to crops or cattle (Form XIX). | 4,320        | 4,240        | 4,283                | 4,227 | 4,145 | 4,091 |
| Total ..                                                                                                                                                 | 7,330        | 7,258        | 7,240                | 7,455 | 7,341 | 7,330 |

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" Information regarding the number of licences in force on the 31st March 1937 is not available as the returns received by the Government are for the calendar years. The figures show that the variations are not large.

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

MR. J. A. SALDANHA:—" May I request the Hon. Minister to call for information on clauses (b) and (c) of the question? "

THE HON. MR. K. RAMAN MENON:—" It is not possible for Government to collect such information from the cultivators."

\* 14 Q.—MR. B. BHIMA RAO:—" I withdraw question No. 14, Sir."

*Wild animals in reserve forests and measures adopted by Government to safeguard human life and agriculture against their depredations.*

\* 15 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) what is the policy of the Government as to the fostering of the growth of wild life and the increase of wild beasts;

(b) what associations exist for such purpose, and what patronage and aids are Government giving to such associations; and

(c) what steps have the Government adopted to safeguard human life and agriculture against the depredations of wild animals in South Kanara and other districts with large reserve forests?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a) The Government have recognized the need for preventing indiscriminate destruction of wild life, and have framed rules regulating the pursuit of game in reserved forests and reserved lands. Shooting or hunting of wild animals is prohibited except in accordance with these rules.

" (b) There are three associations interested in wild life, viz., The Nilgiri Game Association, The Palni Game Association and The Society for the Preservation of Wild Life in South India. The revenue realized by the issue of licences for shooting in the area governed by the Nilgiri Game Rules are placed at the disposal of the Nilgiri Game Association and the revenue realized by the issue of licences for shooting on the Palni Hills are handed over to the Palni Game Association.

" (c) Fourteen thousand three hundred and thirty-one licences in form XIX for the possession of arms and ammunition for going armed for the destruction of wild animals doing injury to crops or cattle were in force at the end of 1936. Licences in form XIX are issued free of cost. There were also 49,606 licences in form XVI for the possession of arms for the purposes of sport, protection or display in force at the end of 1936. The Government are also granting rewards for the destruction of wild animals."

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MR. J. A. SALDANHA:—“ Having regard to the answer given, does it not look that Government are encouraging the growth of wild life rather than the destruction of wild life which is causing so much of injury to human life and agriculture? ”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ It is a matter of opinion.”

*Forest concessions and introduction of forest panchayat system in South Kanara.*

\* 16 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) what were the several rights and concessions enjoyed by cultivators in respect of forests reserved near their lands in South Kanara from time immemorial or during the period of 1923–32;

(b) if any of them were withdrawn and if so, when and why;

(c) to what extent was the forest panchayat system or some such system introduced and is existing in South Kanara with a view to the protection and conservation of forests;

(d) if the concessions referred to had been enjoyed or granted independently of the system; and

(e) if the Government have decided to revive the former concessions and if so, subject to what conditions?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ (a) The following concessions were granted to the ryots of South Kanara in 1922:—

(1) Permission to clear undergrowth in all reserves (except those near the coast) to a distance of half a mile from the limits of private holdings;

(2) in the reserves near the coast, permission to clear undergrowth to a distance of 200 yards from the limits of private holdings;

(3) permission to clear undergrowth in all areas sown with Hopea; and

(4) permission for the free removal of—

(i) green manure leaves of unclassified species and dry leaves of all species; and

(ii) dead fuel.

“ (b) The concessions were granted subject to the conditions (1), that if in any forest they were in any way abused they would be cancelled in such forest and (2) that the forests in which they were granted should not be burnt and that if any accidental fires occurred the ryots should afford necessary help to extinguish them without delay. In spite of repeated warnings the concessions were greatly

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abused and the Government ordered that they should be withdrawn gradually with effect from 1st April 1933, after giving due notice to the ryots.

“ (c) In 1922–23, nine panchayats were introduced under the Forest Village System. At present there is only one panchayat functioning under this system.

“ (d) Yes.

“ (e) The Government have permitted with effect from 15th June 1936 the removal of dry fallen leaves free. Free removal of pieces of firewood is also permitted provided that the wood is fallen and not cut. Timber and valuable wood like teak, sandal or rosewood will not however be allowed to be taken away even though they have fallen of their own accord.”

MR. J. A. SALDANHA:—“ May I know from the Hon. Minister whether, so far as South Kanara is concerned, the removal of green leaves and twigs of trees and shrubs from the forests, was not an old and ancient right? ”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ The matter will be enquired into.”

*Resolutions passed by the Malabar Teachers' Conference in Calicut and the measures taken by the Government to redress the grievances of teachers in aided institutions.*

\* 17 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) (i) whether the attention of the Government has been drawn to the proceedings of the Malabar Teachers' Conference held at Calicut in May last, presided over by Mr. C. J. Varkey, M.L.A., and the resolutions passed at the conference; and

(ii) what were the resolutions passed affecting their treatment by the managers of aided institutions as to their pay, distribution of grants made by Government, security of tenure and so on; and

(b) what measures have the Government decided upon in order to redress the legitimate grievances of teachers in such aided institutions in this Presidency?

THE HON. DR. P. SUBBARAYAN:—“ (a) (i) and (ii) A copy of the resolutions passed at the conference of the Malabar Aided Elementary School Teachers' Union held in May last has been received by the Government.

“ (b) The question of improving the conditions of service of teachers in aided elementary schools is under consideration. Draft rules on the subject, when framed, will be given preliminary publication before they are confirmed.”

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DR. C. RAMALINGA REDDI:—" May I know, Sir, whether this item will be considered as an item by itself or whether the Hon. Minister is going to include it in his general policy? "

THE HON. DR. P. SUBBARAYAN:—" I do not understand what the hon. Gentleman means by item."

DR. C. RAMALINGA REDDI:—" Whether the resolutions passed at the conference will be considered separately or whether they will be considered along with the general policy? "

THE HON. DR. P. SUBBARAYAN:—" Now that the hon. Gentleman has explained himself, I may say that this matter is being considered separately and not as a matter of policy."

*Town-planning schemes by various municipalities except Madras and the delay in the preparation of one by Mangalore Municipality for want of Government's sanction to extend the municipal area.*

\* 18 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Local Administration be pleased to state—

(a) how many and which of the municipalities (outside Madras) have prepared town-planning schemes under section 8 of the Madras Town-Planning Act;

(b) if there are municipalities which have not yet done so, what period of extension of time has been given to them for the purpose;

(c) if it is a fact that a complete town-planning scheme for Mangalore town is delayed on account of the delay in Government sanctioning the proposed extension of the municipal area; and

(d) what are the reasons for the delay in granting the sanction required, to the proposed extension of the municipal area?

THE HON. MR. B. GOPALA REDDI:—" (a) None.

" (b) \* A statement showing the extensions of time granted by Government is appended.

" (c) No.

" (d) The Commissioner was asked in November 1936 to revise the proposals in the light of the Collector's recommendations on the subject. On 1st June 1937 the Commissioner reported that the matter had been placed before the municipal council and that its decision will be communicated to the Government. No further communication has been received from the Commissioner so far."

\* Printed as Appendix III on pages 62-63 infra.

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*Technical training for Municipal and Local Board Commissioners and other officials and the proposal of the Government for establishing an Institute for the purpose.*

\* 19 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Local Administration be pleased to state—

(a) what steps the Government have taken or are going to take in giving the necessary technical training to the Municipal and Local Board Commissioners and other officials concerned in revenue assessment and rating, accounts, town-planning, building licences and so on;

(b) if the Government are aware of the existence of the Local Self-Government Institute at Bombay for the purpose of training in such subjects; and

(c) if the Government have any project for establishing such an institute in Madras and if so what subjects will be included in the curricula of studies?

THE HON. MR. B. GOPALA REDDI:—" (a) Government are considering the feasibility of such a scheme.

" (b) Yes.

" (c) A proposal is under consideration. Details have yet to be worked out."

*Grants made to European and Indian School Boarding houses and to orphanages.*

\* 20 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Education and Legal Departments be pleased—

(a) to place before the House a statement showing the grants provided for European and Indian School boarding houses or orphanages during the three years ending with the 31st March 1937, showing at what rate per pupil have the grants been made respectively; and

(b) to state whether the Government have in view either the increase or decrease of the grants?

THE HON. DR. P. SUBBARAYAN:—" (a) \* A statement showing the grants provided for and the actual expenditure incurred on European and Indian School Boarding Houses or Orphanages during the three years ending with the 31st March 1937 is annexed.

" Under article 156 of the Code of Regulations for European Schools Boarding grant is paid at Rs. 15 per mensem per pupil in the city of Madras and at Rs. 12 per mensem per pupil in the mufassal. But grant paid under article 159 of the same Code to children of poorer classes of Europeans in out of the way places where suitable education is not available is fixed by the Inspector of European schools after taking into account the financial circumstances of the guardian who will be required to contribute the balance of the school and boarding fees charged by the school. Boarding grants

\* Printed as Appendix IV on page 63 infra.

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to Indian orphanages and boarding homes are given under Chapter XI of the Grant in aid Code at Rs. 3 per month per eligible pupil not exceeding two-thirds of the net boarding charges of the home.

“(b) No, so far as the European Orphanages are concerned. But as regards the Indian Orphanages, the Government had in view a proposal to increase the rate but could not sanction it for want of funds.”

MR. J. A. SALDANHA:—“ May I know whether it will not be possible for the Government to increase grants to Indian Orphanages from Rs. 3 to Rs. 5 per head? ”

THE HON. DR. P. SUBBARAYAN:—“ As I have explained, want of funds prevents our moving in the matter. The hon. Gentleman ought to realize that we cannot under the Government of India Act, cut the amount that has been spent on European education before the passing of the Government of India Act.”

*Publication of a handbook for the guidance of public on industrial matters.*

\* 21 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to refer to paragraphs 12-20 (general assistance to trade and industry) and paragraphs 21-38 (cottage industries) of the report of the Department of Industries, Madras, for the year ending 31st March 1936 and state—

(a) whether the Department of Industries has accumulated enough expert advice on industrial concerns to firms and individuals, so as to enable Government to publish a handbook out of it for guidance to the public;

(b) if the Department of Industries has published any bulletins on industrial machinery and subjects; if so, will the Government place a list of them with copies before the House; and

(c) if the Department of Industries publishes bulletins on industries people may take up?

THE HON. MR. V. V. GIRI:—“ (a), (b) and (c) Information is being called for.”

*Functions of the Hon. the Minister for Administration Reports and Public Information and the Department of the Secretariat to carry out those functions.*

\* 22 Q.—MR. J. A. SALDANHA: Will the Hon. the Prime Minister be pleased to state—

(a) what are the functions of the Hon. the Minister for Administration Reports and Public Information; and

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(b) whether there will be a department of the Secretariat through which such functions will be carried on and if so at what cost?

THE HON. MR. C. RAJAGOPALACHARIAR:—“ (a) The function of the Hon'ble Minister in charge of the Administration Reports and Public Information is to see that accurate information on the policy of Government and matters relating to the general administration of the Province which the public is entitled to have is supplied to the Press and to the public.

“(b) There is no separate department of the Secretariat through which such functions will be carried on. The Minister is however in touch with all departments of the Secretariat.”

DR. SIR K. V. REDDI NAYUDU:—“ Will the Hon. Minister be pleased to say what the agency is, by which the distribution of the leaflets and pamphlets sent out by this department, is made? ”

THE HON. MR. T. S. S. RAJAN:—“ The work of the department is not yet fully developed. The press is supplied as often as necessary by the Minister with all the information connected with the activities of the Government.”

DR. SIR K. V. REDDI NAYUDU:—“ Regarding the agency through which the pamphlets are distributed, may I know whether the literature is supplied to the villages through the Revenue department, the village officers for instance, or by any other class of Government servants? ”

THE HON. DR. T. S. S. RAJAN:—“ The question has not yet arisen.”

DR. C. RAMALINGA REDDI:—“ May I know whether the department is confining itself to the supply of information as regards public utility or whether it is carrying on anything in the nature of party propaganda? ”

THE HON. DR. T. S. S. RAJAN:—“ We are the Government and responsible to the public and information regarding Government's activities will be given.”

MR. J. A. SALDANHA:—“ May I ask, Sir, whether there is any such institution like the library for supplying information to private individuals as regards public affairs. We see that the department is giving information to the public regarding the public activities of the Government. My point is that there should be an institution, such as a library, to which private people can have access for getting information . . . ”

MR. PRESIDENT:—“ Order, order. The hon. Member is making a speech.”

THE HON. DR. T. S. S. RAJAN:—“ I really do not know whether what the hon. Member stated arises out of the question.”

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*Submission of Reports to the Government on fatal accidents on railways and by motor vehicles and the action taken thereon.*

\* 23 Q.—MR. J. A. SALDANHA: Will the Hon. the Prime Minister be pleased to state—

(a) whether deaths by accidents on railways and motor vehicle services are reported to Government through any agency;

(b) whether any enquiries and reports of results of such enquiries on such fatal accidents are submitted to Government;

(c) what action is taken on such reports;

(d) if no such reports are made to Government, what measures do Government take for keeping themselves informed about such accidents; and

(e) what regulations have been made by the Government for restricting the speed of motor vehicles and for other ways and means for preventing accidents?

A.—(a) The answer is in the affirmative. District Magistrates and the Commissioner of Police send periodical reports of the number of deaths caused in accidents in which motor vehicles are involved and the Railway Administrations send reports of deaths by accidents on the railways.

(b) The answer is in the negative. But in the case of judicial enquiries into railway accidents magistrates make a report at the end of the enquiry, unless in any case they think it unnecessary to do so.

(c) Such action is taken as is found necessary on the reports received by the Government.

(d) In the case of accidents in which motor vehicles are involved, the District Magistrates and the Commissioner of Police furnish particulars required by the Government, e.g., features of locality of accidents, the speed of vehicles, classification of persons killed, their age, and causes of accidents.

(e) Rules 25-A and 41 of the Madras Motor Vehicles Rules issued under section 11 of the Indian Motor Vehicles Act restrict the speed on all public roads of light motor vehicles to which trailers are attached and of all heavy motor vehicles respectively. Rule 25 of those rules gives power to District Superintendents of Police in the mufassal and the Commissioner of Police in the Madras City, to restrict the driving of motor vehicles in public places to speeds indicated on notice boards. The maximum speed at which motor vehicles let or plied for hire may be driven is specified in the G permits issued under rule 30 of those rules.

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The whole system of traffic control is devised with the object of preventing accidents from motor traffic as far as possible. The Motor Vehicles Rules provide generally for public safety and convenience. These rules are altered or added to from time to time whenever defects are brought to notice. A pamphlet entitled the 'Motorists Code,' in English and in the vernaculars, is issued with the driving licence.

MR. J. A. SALDANHA:—"May I enquire whether the reports of accidents are sent by telegram or letter?"

THE HON. MR. K. RAMAN MENON:—"The railway administration send reports of accidents by telegram; and the other departments send it by ordinary post."

MR. J. A. SALDANHA:—"Why is this distinction made?"

THE HON. MR. K. RAMAN MENON:—"The one is done by the railway administration and the other by the Government department."

MR. J. A. SALDANHA:—"May I know, Sir, why in cases in which the Government department send reports to the Government, the reports should not be made by a telegram?"

THE HON. MR. K. RAMAN MENON:—"It is a question of spending money unnecessarily."

*Prohibition of production and sale of Indian liquors and importation of foreign liquors and the cost of such prohibition scheme.*

\* 24 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether and within which areas the total prohibition of the production and sale of all Indian liquors has ever been introduced in any part of this Presidency;

(b) whether within such areas the prohibition of importation of foreign liquors has been enforced or is to be enforced;

(c) what the cost of this scheme of total prohibition is;

(d) what the experience of Government as to the success of the scheme of such total prohibition in the past and at present is; and

(e) what the Government's plan for making up the loss of revenue by the project is?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a) to (e) Total prohibition was not introduced in the past in any part of this Province. A proposal to introduce total prohibition in the Salem district from 1st October 1937 is under consideration. The loss of revenue on this account is roughly 27 lakhs for a whole year. New sources of revenue are being explored."

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MR. J. A. SALDANHA:—“ May I know, Sir, whether in the Salem and some other districts, prohibition was not introduced by the Justice Party in the past and a number of questions on the subject were raised in the Council? ”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ No, Sir.”

*Coir industry and its development.*

\* 25 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government ever received representations from the South Kanara District Advancement Association for the fostering of the coir industry;

(b) what action did the Government take on its representations;

(c) whether technical training in this industry is given in any of the industrial or technological schools or trade schools, Governmental or private-aided; and

(d) what steps the Government have taken or are going to take for the development of the industry?

THE HON. MR. V. V. GIRI:—“ (a) No representation seems to have been received in recent years.

“ (b) Does not arise.

“ (c) No.

“ (d) Experiments in the improved methods of retting coconut husks were conducted in 1926 at Ambajipet in the Godavari district. These proved a failure. In 1929 further experiments were conducted, and this time successfully, at Thopputhurai in the Tanjore district. The results were published in the form of a bulletin and the local people have adopted the improved methods. Again in 1935, a similar demonstration party was stationed at Baruva in the Vizagapatam district. It has been proved satisfactorily that this is a profitable cottage industry. The fisherfolk for whose benefit the demonstration was held at Baruva are reported to be not much interested in the work.

“ The Government have recently instituted short intensive courses in Malabar for imparting instruction in improved methods of coir production. Stipends at the rate of three annas a day will be given to 12 candidates (women also being admitted) for 10 months for undergoing the course of training. After demonstration in Malabar the party will move on to other districts where there may be demand for it.”

MR. J. A. SALDANHA:—“ Having regard to the large number of coconut plantations in South Kanara, may I know why the scheme has not been instituted in that district? ”

THE HON. MR. V. V. GIRI:—“ The Government will consider the question.”

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DR. SIR K. V. REDDI NAYUDU:—“ May I know why the scheme conducted in Ambajipet proved a failure? ”

THE HON. MR. V. V. GIRI:—“ The information will be called for and supplied.”

**UNSTARRED QUESTIONS.**

*Anti-Anthrax and Rinderpest sera used by Government in the Presidency.*

1 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) what the various kinds of anti-Anthrax and Rinderpest sera used by Government veterinary physicians in this Presidency are;

(b) in which institution they are manufactured and at what cost; and

(c) what the period of immunity obtained by the several kinds of sera is?

A.—(a) Anti-Anthrax serum is the only product used against Anthrax. Anti-Rinderpest serum is used in controlling outbreaks of Rinderpest with simultaneous use of bull virus. In areas where the disease is not prevailing the goat virus method is in use. Besides these, a new product called the Spleen tissue vaccine is being used as an experimental measure.

(b) The anti-Anthrax serum is obtained from the Imperial Veterinary Research Institute, Muktesar, at a cost of As. 4 per dose and all the products used against Rinderpest are prepared locally at the Serum Institute, Perambur. Their cost of production is as stated below:—

|                         |       |                               |
|-------------------------|-------|-------------------------------|
| 1 Anti-Rinderpest serum | .. .. | 8.9 pies per dose of 5 c.c.   |
| 2 Goat virus vaccine    | .. .. | } 6.2 pies per dose of 1 c.c. |
| 3 Spleen tissue vaccine | .. .. |                               |

(c) The immunity conferred by a single dose of anti-Anthrax serum lasts for about ten days. The anti-Rinderpest serum when used alone, confers an immunity lasting for a short period of nine days, but when used with a simultaneous dose of virus, an active immunity lasting not less than three years and probably for the lifetime of the animal is conferred. The goat virus method is of recent origin and it is also believed to confer lasting immunity; no cases of break-down of immunity have been recorded during the past few years during which it has been used.

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*Veterinary Hospitals in the Presidency.*

2 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the number of veterinary hospitals maintained by the Government is adequate to the needs of the people in this Presidency and what arrangements for supplying such needs by itinerant veterinary physicians have been made; and

(b) what measures the Government are going to adopt to meet the needs of the public as to cattle diseases?

A.—(a) No; but their work is supplemented by that of itinerant veterinary assistant surgeons of whom there are as many as 133 now.

(b) Cattle diseases are treated both at veterinary institutions and by touring veterinary assistant surgeons. Arrangements are in force for the latter obtaining immediate notice of outbreaks and proceeding to the scene at once.

*Opening of a Deputy Tahsildar's office at Sankarapuram.*

3 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Revenue be pleased to state whether there is a proposal to open a Deputy Tahsildar's office at Sankarapuram in Kallakurichi taluk?

A.—No such proposal is under the consideration of the Government.

*Introduction of modern methods of agriculture, horticulture, etc., among the agriculturists.*

4 Q.—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) what steps the Government have undertaken to educate the agricultural class regarding the modern methods of agriculture, horticulture, etc.; and

(b) if not, what steps the Government have in contemplation as to the reformed and scientific method of agriculture in the Presidency?

A.—(a) & (b) Researches into all problems affecting agriculture (horticultural work is now confined to the botanical gardens at Ootacamund and Coonoor) are conducted at the Agricultural Research Institute, Coimbatore, and the discoveries are tested for their suitability to local conditions at district farms, and if the results are successful they are brought to the notice of the ryots by propaganda which is conducted through the agency of demonstrators. For this purpose, a number of demonstrators are employed in each district at the rate of one for each taluk. Demonstration of improved methods of cultivation is carried on

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the ryots' own lands so that the cultivator may be convinced of the cheapness and efficiency of the methods recommended. Advantage is also taken of cattle fairs and religious festivals to hold exhibitions and give lectures illustrated with magic lanterns and distribute literature about improved methods in agriculture. Motor-vans are also maintained by the department to carry exhibits and help demonstrators in their tours.

*Concession granted in respect of assessment on areca gardens.*

5 Q.—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Revenue be pleased to state whether the Government have received any representations that the concession granted in collecting the assessment regarding the areca gardens that are subject to Mali disease, is very inadequate?

A.—No such representations have been received by the Government.

*Villages and persons registered under the Criminal Tribes Act in South Arcot.*

6 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the number and names of villages in South Arcot the citizens whereof have been registered under the Criminal Tribes Act (VI of 1924); and

(b) whether the orders governing the criminal tribes will be placed on the table?

A.—(a) The following have been declared to be criminal tribes in the South Arcot district:—

| Name of tribe.                 | Notification number and date.                                                                                           |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| (1) Veppur Pariahs ..          | No. 420, dated 4th June 1913—Page 1003 of Part I of the <i>Fort St. George Gazette</i> , dated 10th June 1913.          |
| (2) Attur Kilnad Koravars.     | No. 744, dated 13th October 1913—Page 1503 of Part I of the <i>Fort St. George Gazette</i> , dated 21st October 1913.   |
| (3) Jogis .. ..                | No. 185, dated 21st February 1914—Page 289 of Part I of the <i>Fort St. George Gazette</i> , dated 3rd March 1914.      |
| (4) Vellayankuppam Padayachis. | No. 756, dated 14th November 1914—Page 1608 of Part I of the <i>Fort St. George Gazette</i> , dated 17th November 1914. |
| (5) Sakkaraitamadai Koravars.  | No. 447, dated 26th April 1920—Page 559 of Part I of the <i>Fort St. George Gazette</i> , dated 4th May 1920.           |
| (6) Gudn Dasaris ..            | Nos. 127 and 128, dated 13th May 1922—Page 511 of Part I of the <i>Fort St. George Gazette</i> , dated 16th May 1922.   |



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|                              | Name of tribe. | Notification number and date.                                                                                                          |
|------------------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------|
| (7) Irulars                  | .. ..          | No. 3, dated 26th December 1924—Page 9 of Part I of the <i>Fort St. George Gazette</i> , dated 5th January 1925                        |
| (8) Dommaras                 | .. ..          | No. 180, dated 8th October 1925—Page 1887 of Part I of the <i>Fort St. George Gazette</i> , dated 13th October 1925.                   |
| (9) Gandarvakottai Koravars. |                | No. 185 and 186, dated 24th May 1932—Pages 910 of Part I of the <i>Fort St. George Gazette</i> , dated 24th May 1932.                  |
| (10) Criminal chis.          | Padaya-        | Nos. 563 and 564, dated 12th November 1935—Pages 1535-1537 of Part I of the <i>Fort St. George Gazette</i> , dated 19th November 1935. |

The members of the criminal tribes are registered by the District Magistrate under section 4 of the Criminal Tribes Act. The Government have no information as to the number and names of the villages to which the members of the criminal tribes belong.

- (b) The notifications declaring the tribes or parts of tribes to be criminal tribes under the Criminal Tribes Act have been published in the *Fort St. George Gazette* on the dates and pages noted in the answer to clause (a) above.

If by 'orders governing the criminal tribes' the hon. Member has in mind the rules made by the Government under the Criminal Tribes Act, he is referred to the rules published at pages 2549-2562 of Part I of the *Fort St. George Gazette*, dated 28th December 1936, as subsequently amended by the following notifications:—

- (1) Notification No. 14, dated 19th November 1928, published at page 38 of Part I of the *Fort St. George Gazette*, dated 1st January 1929.
- (2) No. 622, dated 13th November 1929, published at page 2213 of Part I of the *Fort St. George Gazette*, dated 13th December 1929.
- (3) No. 81, dated 4th January 1930, published at page 253 of Part I of the *Fort St. George Gazette*, dated 18th February 1930.
- (4) No. 48, dated 24th November 1932, published at pages 216-217 of Part I of the *Fort St. George Gazette*, dated 14th February 1933.
- (5) No. 445, dated 30th October 1933, published at page 1798 of Part I of the *Fort St. George Gazette*, dated 14th November 1933.
- (6) No. 48, dated 13th December 1934, published at pages 128-129 of Part I of the *Fort St. George Gazette*, dated 22nd January 1935.
- (7) No. 323, dated 1st June 1935, published at page 886 of Part I of the *Fort St. George Gazette*, dated 11th June 1935.

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- (8) No. 357, dated 24th June 1935, published at page 956 of Part I of the *Fort St. George Gazette*, dated 2nd July 1935.
- (9) No. 381, dated 1st April 1937, published at page 582 of Part I of the *Fort St. George Gazette*, dated 6th April 1937.
- (10) No. 726, dated 14th July 1937, published at page 1317 of Part I of the *Fort St. George Gazette*, dated 20th July 1937.

*Opening of public libraries in district headquarters.*

7 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether there is a proposal to provide the headquarters of each district with a public library containing Government publications, such as *Fort St. George Gazette*, District Gazette, administration reports of various departments and orders and notifications issued from time to time; and

(b) if not, whether it is intended to take steps in that direction?

A.—(a) & (b) No.

*Report of the committee appointed to consider the rules framed under the Provincial Insolvency Act.*

8 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether the committee appointed by the Government to consider, among other things, the existing rules framed under the Provincial Insolvency Act, have submitted their report;

(b) whether it is intended to issue any orders governing the recruitment, salaries or commission payable to Official Receivers; and

(c) whether the committee's report will be placed on the table?

A.—(a) The terms of reference to the Committee are—

(1) to examine the question relating to the method of recruitment and the conditions of service of Official Receivers in this Presidency; and

(2) to consider what alterations are necessary in the system of work of Official Receivers, particularly in the direction of making the supervision and control now exercised by District Judges over Official Receivers more effective.

The report of the Committee has not yet been received by Government.

(b) Yes.

(c) The question will be considered after the Committee's report is received.

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*Memorandum of objections from the South Kanara Landholders' Association to the Resettlement Scheme Report of the Special Settlement Officer.*

9 Q.—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government are aware of the memorandum of objections to the Resettlement Scheme Report of the Special Settlement Officer in charge of the Party No. IV filed by the South Kanara Landholders' Association on August 26th, 1934;

(b) what steps have been taken by the Government to redress the various grievances of the ryots stated in the said memorandum and represented before the Land Revenue Committee as to the alterations from one group to another, in addition to those already effected as proposed in the Scheme Report of the Special Settlement Officer; and

(c) if not, what are the reasons?

A.—(a) Yes.

(b) & (c) The Government will consider the points raised in the Memorandum and in the subsequent representation when action is taken by Government on the whole land revenue question.

The recommendations of the Land Revenue Enquiry Committee appointed by the Government in May 1937 are under the consideration of the Government and orders thereon will issue in due course.

*Appointments of Public Prosecutor and Government Pleader and the bifurcation of those offices.*

10 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the districts wherein the offices of Public Prosecutor and Government Pleader have been bifurcated and the names of present incumbents with the dates of their appointment;

(b) instances in which they have been re-appointed for second or third term;

(c) the districts wherein the two offices are held by one and the same person and the names of present incumbents with the dates of their appointment; and

(d) names of such persons as were re-appointed for a second or third term?

A.—(a) & (b) The offices of the Government Pleader and Public Prosecutor are bifurcated in the following districts:—

Chingleput,  
Ramnad,  
Salem, and  
Trichinopoly.

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The names of the present incumbents and the term of their appointment are given in Annexure A. \*

(c) & (d) The offices of Government Pleader and Public Prosecutor are held by one and the same person in the districts other than those mentioned in clauses (a) and (b) above. The names of the present incumbents and the term of their appointment are given in Annexure B. \*

*Emoluments received by the additional Public Prosecutors attached to the Courts of Assistant Sessions Judge.*

11 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether additional Public Prosecutors ordinarily attached to the Court of the Assistant Sessions Judge receive any monthly salary;

(b) whether in regard to the fees paid for a day or a case there is any differentiation; and if so, the reasons therefor; and

(c) whether in point of quality of work there is any disparity between the Additional Public Prosecutor and the Public Prosecutor?

A.—(a) Additional Public Prosecutors are not allowed any monthly salary or retaining fee.

(b) Yes. The reasons are that the cases in which Additional Public Prosecutors are engaged are generally less important ones which can be adequately handled by the comparatively junior lawyers who are usually appointed to these posts.

(c) Yes.

*Salaries of Secretaries of bifurcated District Boards.*

12 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) if the salaries of the Secretaries of the new district boards constituted consequent on bifurcation are the same;

(b) the maximum and minimum salaries drawn by the Secretaries; and

(c) whether there is a proposal to standardize their salaries?

A.—(a) No. The Secretaries of the old district boards who have been allotted to new boards after bifurcation retain the original scales of pay which were previously sanctioned by Government. The Secretaries who have been newly appointed are started in the scales fixed for the post.

\* Printed as Appendix V on page 64 infra.

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(b) The maximum and minimum salaries drawn by the Secretaries are Rs. 300 and Rs. 125 respectively in the scales of pay of Rs. 250--25/2--400 and Rs. 125--10/2--175 respectively.

(c) No; the salaries drawn by them are in one or other of the scales already standardized by Government.

*Toddy shops lying near public offices.*

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

(a) whether any, and if so, what representations have been made to the Government to remove the toddy shop which is now in very close proximity to the Cuddalore District Board office; and

(b) whether it is the policy of the Government to abolish or remove the toddy and arrack shops lying in close proximity to public offices, temples, markets and other congested areas?

A.—(a) The President, Cuddalore District Board, has forwarded to the Government a copy of the Resolution passed by the District Board at its meeting held on 9th August 1937 that the toddy shop situated opposite to the District Board office may be removed at once or if that be not possible, the shop may be shifted outside municipal limits.

(b) The Excise Standing Order No. 10 (b) (3) lays down that as far as possible proximity to places of worship, schools, hospitals, factories, bathing places, the cheris and other localities inhabited by the members of the depressed classes and other places of public resort should be avoided for the purpose of locating the shops. The Board of Revenue has been requested to issue a circular that these instructions should be strictly observed.

*Collection of arrears of land revenue by village headmen and penalty for slackness of collection work.*

14 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the attention of the Government has been drawn to instances of village headmen in ryotwari villages having been asked to pay up the arrears of land revenue and show a nil balance on pain of departmental punishment;

(b) whether their attention has been drawn to instances of persons who paid the arrears having been appointed as village headmen in the place of those kept under suspension; and

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(c) the number of village headmen (talukwar) in the district of South Arcot, who were suspended within the past six months for slackness of collection?

A.—(a) & (b) No such instances have come to the notice of the Government.

(c) The Government have no information. A report has been called for in the matter.

*Operation of the Madras Abkari (Amendment) Act of 1929 regarding procedure for investigating crimes and restrictions on sale of foreign liquors in European clubs.*

15 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the Government have taken steps to watch the operation of the amendments introduced in the Madras Abkari Act by Act XVIII of 1929—

(i) in regard to the procedure in investigating crimes under the Act; and

(ii) as to the restrictions on the sale of foreign liquors in European clubs;

(b) if so, what the results are of the reports received by the Government; and

(c) if no such reports have been received, are Government going to call for information on the points in question?

A.—(a) No special steps were taken beyond prescribing rules for the levy of fees from clubs. It is the ordinary business of the Excise department to enforce the provisions of the Abkari Act.

(b) No special reports were received by the Government.

(c) If the Hon. Member will specify the information he wants, the Government will call for it.

*Number of minor irrigation works in Chittoor district and the contribution demanded from ryots.*

16 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government will place on the table a statement showing the number of minor irrigation works in Chittoor district talukwar for the execution of which contribution was demanded from concerned ryots;

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(b) how many works already sanctioned were dropped because of inability on the part of the ryots to pay their contribution; and

(c) the amount demanded and collected from concerned ryots as contribution for repairs or improvements to irrigation works?

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

*Repairs to spring channels maintained by Government.*

17 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the number of spring channels that are maintained by the Government in Chittoor district talukwar and the number of such channels that are left unrepaired within the last ten years; and

(b) the number of spring channels that were repaired and the nature of repairs and improvements done to the channels by the Government?

A.—(a) & (b) The Government have no information, but they have called for a report.

*Transfers of Sub-Collectors and Deputy Collectors.*

18 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Revenue be pleased to state—

(a) how many transfers of Sub-Collectors and Deputy Collectors of Chandragiri Division, Chittoor district, have been made from 1st April 1937 to 31st July 1937; and

(b) what the travelling allowance involved on such transfer is?

A.—(a) & (b) Complete information is not available. It has been called for.

*Number and percentage of pattadars paying assessment of amounts ranging from Re. 1 to Rs. 20,000 and above.*

19 Q.—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Revenue be pleased to state the total number and percentage of pattadars under the following categories in each district:—

(a) paying assessment of Re. 1 and below:

(b) paying assessment of over Re. 1 and below Rs. 5;

(c) paying assessment of over Rs. 5 and below Rs. 10;

(d) paying assessment of over Rs. 10 and below Rs. 20;

(e) paying assessment of over Rs. 20 and below Rs. 50;

(f) paying assessment of over Rs. 50 and below Rs. 100;

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(g) paying assessment of over Rs. 100 and below Rs. 500;

(h) paying assessment of over Rs. 500 and below Rs. 1,000;

(i) paying assessment of over Rs. 1,000 and below Rs. 2,000;

(j) paying assessment of over Rs. 2,000 and below Rs. 5,000;

(k) paying assessment of over Rs. 5,000 and below Rs. 10,000;

(l) paying assessment of over Rs. 10,000 and below Rs. 20,000;

(m) paying assessment of over Rs. 20,000 and above.

A.—The attention of the hon. Member is invited to statement No. 20 printed on pages 59–69 of the jamabandi report for fasli 1345 which contains the statistics readily available with the Government.

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

IV.—PANEL OF CHAIRMEN.

\* MR. PRESIDENT:—“ Under rule 9 of the Legislative Council Rules, I have nominated the following four members of the Council to be the panel of chairmen for this session of the Council:—

Khan Bahadur Sir Mahomed Usman Sahib Bahadur,

The Rt. Hon. V. S. Srinivasa Sastri,

Mr. R. Srinivasa Ayyangar, and

Mr. P. Peddi Raju.”

V.—ELECTION TO THE ANNAMALAI UNIVERSITY SENATE.

\* MR. PRESIDENT:—“ The Vice-Chancellor of the Annamalai University has requested me to make arrangements for the election, according to the principle of proportional representation by means of the single transferable vote, of two members of this Council to the Senate of that University and I have directed that the election should be held in accordance with the regulations made under rule 135 of the Madras Council Rules. In accordance with these regulations, I fix 3 p.m. on the 1st September 1937 as the latest time by which notice of nominations should be sent to the Secretary. If the number of candidates nominated exceeds the number to be elected, namely, two, there will be an election between 3 p.m. and 5 p.m. on the 9th September 1937.”

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## OFFICIAL BUSINESS.

## VI.—HOUSE COMMITTEE.

\* THE HON. DR. T. S. S. RAJAN:—"Mr. President, I have pleasure to move—

*'that with a view to appoint a House Committee in pursuance of rule 143 of the Madras Council Rules this Council do proceed to elect six members to be members of the said Committee according to the principle of proportional representation by means of the single transferable vote.'*"

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"I second the motion."

3-15 p.m. The motion was put and carried.

\* MR. PRESIDENT:—"I have to inform the House that, with reference to Regulation II of the regulations for the holding of elections by means of the single transferable vote, I fix 3 p.m. on Wednesday, the 1st September 1937, as the time by which nominations of candidates for election to the House Committee should be sent 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 3 p.m. and 5 p.m. on the 7th September 1937."

## VII.—MADRAS AND SOUTHERN MAHRATTA RAILWAY ADVISORY COMMITTEE.

\* THE HON. DR. T. S. S. RAJAN:—"I beg to move—

*'that with reference to G.O. No. 55, Railway, dated the 10th December 1923, this Council do recommend to the Government to communicate to the Madras and Southern Mahratta Railway, the name of one person elected by this Council to serve on their Advisory Committee for the remaining period of the two years' session ending with 31st March 1938.'*"

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"I beg to second it."

The motion was put and carried.

\* MR. PRESIDENT:—"It now remains for me to lay down the method by which the election is to be held. The hon. Members shall hand in nominations to the Secretary before 3 p.m. on 1st September 1937. If the number of candidates nominated exceeds one, an election will be held between 3 p.m. and 4 p.m. on 6th September 1937. The election will be by the ordinary method and not according to the method of single transferable vote."

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## VIII.—MOTION FOR SUSPENSION OF RULE 17.

\* THE HON. DR. T. S. S. RAJAN:—"I beg to move that Rule 17 of the Madras Council Rules be suspended and the House do resolve to transact Government business on Wednesday, the 1st September 1937."

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"I beg to second it."

The motion was put and carried.

DR. SIR K. V. REDDI NAYUDU:—"May I bring to your notice, Sir, one matter. To-morrow, if this resolution is passed, we will not have the non-official day in the ordinary course and to-morrow will have to become an official day. Will the Government be pleased to give an alternative day instead of this or allow Wednesday to have non-official business transacted?"

THE HON. DR. T. S. S. RAJAN:—"Mr. President, Sir, to-morrow happens to be the day for the presentation of the budget and so we have claimed the day. If there is business enough to transact and if the hon. Members want to have a day we will be glad. It all depends upon whether hon. Members have got enough business for a non-official day."

DR. SIR K. V. REDDI NAYUDU:—"The Hon. Member knows more than I do the nature of the business. I am only asking on a question of principle. I only want to know, if there is work, whether you will be able to give us a day."

THE HON. DR. T. S. S. RAJAN:—"Certainly. We have so much time at our disposal that we will be only too glad to give any amount of time."

## IX.—AMENDMENT UNDER SUB-SECTION (2) OF SECTION 3 OF THE COTTON TRANSPORT ACT, 1923.

THE HON. MR. V. I. MUNISWAMI PILLAI:—"I beg to move—

*'this Council recommends to the Provincial Government that the following notification submitted to it for approval under section 8 of the Cotton Transport Act, 1923 (III of 1923), be issued in the form submitted:—*

"Notification.

*In exercise of the powers conferred by sub-section (2) of section 3 of the Cotton Transport Act, 1923 (III of 1923), the Provincial Government are hereby pleased to make the following amendment in Development Department Notification No. 278, dated the 19th September 1928, published at pages 1455-1461 of Part*

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*I of the Fort St. George Gazette, dated the 25th September 1928, as subsequently amended:—*

*Amendment.*

*In paragraph 1 of Schedule II appended to the said notification, for the words ' Guntakal to Settikunta both inclusive ' the words ' Guntakal to Razampeta both inclusive ' shall be substituted.' '*

"The reason for this amendment has already been given in the explanatory memorandum already circulated to the Members."

THE HON. DR. T. S. S. RAJAN:—"I second it."

The motion was put and carried.

The House then adjourned to meet again at 2 p.m. the next day.

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

\* 1. Rules made by the Governor in Council under clause (a) of sub-section (2) of section 54 of the Malabar Tenancy Act, 1929.

2. Notification regarding the bifurcation of Ramnad District Board.

3. Notification regarding the bifurcation of East Godavari District Board.

4. Notification regarding the bifurcation of West Godavari District Board.

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APPENDIX I.

[Vide answer to starred question No. 4, clause (a), asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on 31st August 1937, page 25 supra.]

Statement showing the distribution of quinine in the Presidency during the three years ending with 1935-36.

| District.          | Villages in which the scheme was in force. |          |          | Quantity of quinine distributed. |            |          |
|--------------------|--------------------------------------------|----------|----------|----------------------------------|------------|----------|
|                    | 1933-34.                                   | 1934-35. | 1935-36. | 1933-34.                         | 1934-35.   | 1935-36. |
| Anantapur .. ..    | 34 (a)                                     | 101      | 101      | 254 LB.                          | 188 LB.    | 40 LB.   |
| Bellary .. ..      | 38 (b)                                     | 102      | 172      | 137                              | 243        | 339      |
| Chingleput .. ..   | 46                                         | 45       | 44       | *                                | 28         | 40       |
| Chittoor .. ..     | 65                                         | 74       | 173      | 61                               | 22         | 83       |
| Coimbatore .. ..   | 24                                         | 12       | 18       | 32                               | 26         | 16       |
| Cuddapah .. ..     | *                                          | 99       | 99       | 50                               | 47         | 62       |
| Ganjam .. ..       | 9                                          | 35       | *        | 11                               | 3          | *        |
| Kurnool .. ..      | 103                                        | 104      | 124      | 33                               | 86         | 70       |
| Madura .. ..       | ..                                         | ..       | 13       | ..                               | ..         | 8        |
| Malabar .. ..      | 10                                         | 11       | 22       | 28                               | 43         | 75       |
| Nellore .. ..      | 56                                         | 107      | 137      | 46                               | 84         | 203      |
| Salem .. ..        | 7                                          | 8        | 10       | 40                               | 6          | 24       |
| South Kanara .. .. | 425                                        | 430      | 408      | 545                              | 772        | 513      |
| Trichinopoly .. .. | ..                                         | ..       | 2        | ..                               | ..         | 3        |
| Vizagapatam .. ..  | 21                                         | 9        | 3        | 6                                | 5          | 7        |
|                    |                                            |          |          | 1,243                            | 1,556      | 1,483    |
|                    |                                            |          |          | Cost at Rs. 18 a lb.             | Rs. 22,374 | 28,008   |
|                    |                                            |          |          |                                  |            | 26,694   |

\* Not available.

(a) Excludes villages in Hindupur and Madakasira taluks in which the scheme was in force.

(b) Excludes the villages in Harpanahalli, Hadagalli and Kudligi taluks in which the scheme was in force.

APPENDIX II.

[Vide answer to starred question No. 4, clause (d), asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on 31st August 1937, page 25 supra].

Statement showing the distribution of Government of India quinine.

|                     | Quantity of quinine issued. | Cost, RS. |
|---------------------|-----------------------------|-----------|
| Vizagapatam .. ..   | 71-4/7                      | 1,296     |
| East Godavari .. .. | 50                          | 900       |
| West Godavari .. .. | 10                          | 180       |
| Guntur .. ..        | 112                         | 3,016     |
| Bellary .. ..       | 100                         | 1,800     |
| Kurnool .. ..       | 350                         | 6,300     |
| Anantapur .. ..     | 100                         | 1,800     |
| Cuddapah .. ..      | 100                         | 1,800     |
| Nellore .. ..       | 65                          | 1,070     |
| Chingleput .. ..    | 14-2/7                      | 252       |
| South Arcot .. ..   | 8-4/7                       | 162       |
| Chittoor .. ..      | 100                         | 1,800     |
| North Arcot .. ..   | 50                          | 900       |
| Salem .. ..         | 100                         | 1,800     |
| Coimbatore .. ..    | 8                           | 144       |
| Trichinopoly .. ..  | 50                          | 900       |
| Tanjore .. ..       | 50                          | 900       |
| Madura .. ..        | 114-2/3                     | 2,070     |
| Ramnad .. ..        | 12                          | 216       |
| Tinnevely .. ..     | 4                           | 72        |
| Malabar .. ..       | 200                         | 3,600     |
| The Nilgiris .. ..  | 230                         | 4,140     |
| Total .. ..         | 1,900-2/21                  | 34,218    |

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## APPENDIX III.

[Vide answer to starred question No. 18 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on 31st August 1937, page 40 supra.]

Statement showing the extension of time granted to municipalities for the preparation of the General Town-Planning Schemes.

(NOTE.—The preparation of scheme is making progress in the municipalities marked with an asterisk, most of which have entertained special Town-Planning staff.)

| Name of municipality.      | Time extended till                                                                      |
|----------------------------|-----------------------------------------------------------------------------------------|
| * 1. Adoni .. .. .         | 31st March 1938.                                                                        |
| * 2. Anakapalle .. .. .    | 30th September 1938.                                                                    |
| * 3. Anantapur .. .. .     | 31st March 1938.                                                                        |
| * 4. Bellary .. .. .       | 31st March 1937.                                                                        |
| * 5. Bezwada .. .. .       | 31st March 1938.                                                                        |
| * 6. Bimlipatam .. .. .    | 30th September 1937.                                                                    |
| * 7. Bodinayakanur .. .. . | 30th June 1937.                                                                         |
| * 8. Calicut .. .. .       | 1st October 1937.                                                                       |
| 9. Cannanore .. .. .       | Government directed postpone-<br>ment of preparation of scheme<br>until further orders. |
| 10. Chicacole .. .. .      | 31st March 1938.                                                                        |
| * 11. Chidambaram .. .. .  | 30th September 1937.                                                                    |
| * 12. Chingleput .. .. .   | 31st March 1937.                                                                        |
| * 13. Chirala .. .. .      | 30th September 1937.                                                                    |
| * 14. Chittoor .. .. .     | Do.                                                                                     |
| * 15. Cocanada .. .. .     | 1st July 1937.                                                                          |
| * 16. Cochin .. .. .       | 30th September 1938.                                                                    |
| * 17. Coimbatore .. .. .   | 31st March 1938.                                                                        |
| * 18. Conjeeveram .. .. .  | 31st March 1937.                                                                        |
| * 19. Coonoor .. .. .      | 30th November 1937.                                                                     |
| * 20. Cuddalore .. .. .    | 31st October 1937.                                                                      |
| * 21. Cuddapah .. .. .     | 31st March 1937.                                                                        |
| 22. Dharapuram .. .. .     | 31st December 1937.                                                                     |
| 23. Devakkottai .. .. .    | Recently constituted munici-<br>pality. 1st April 1937.                                 |
| * 24. Dindigul .. .. .     | 31st March 1938.                                                                        |
| * 25. Ellore .. .. .       | 31st December 1937.                                                                     |
| * 26. Erode .. .. .        | 30th September 1937.                                                                    |
| 27. Gudivada .. .. .       | Recently constituted munici-<br>pality. 1st April 1937.                                 |
| * 28. Gudiyattam .. .. .   | 31st March 1937.                                                                        |
| * 29. Guntur .. .. .       | 30th June 1938.                                                                         |
| * 30. Hindupur .. .. .     | 31st March 1938.                                                                        |
| * 31. Hospet .. .. .       | 31st December 1937.                                                                     |
| * 32. Karaikudi .. .. .    | 31st March 1937.                                                                        |
| * 33. Karur .. .. .        | 30th September 1937.                                                                    |
| * 34. Kodaikanal .. .. .   | 31st March 1938.                                                                        |
| * 35. Kumbakonam .. .. .   | 31st March 1937.                                                                        |
| * 36. Kurnool .. .. .      | 31st March 1938.                                                                        |
| * 37. Madura .. .. .       | 1st October 1938.                                                                       |
| * 38. Mangalore .. .. .    | 31st March 1938.                                                                        |
| * 39. Mannargudi .. .. .   | Do.                                                                                     |
| 40. Masulipatam .. .. .    | Do.                                                                                     |
| * 41. Mayavaram .. .. .    | 31st March 1937.                                                                        |
| * 42. Nandyal .. .. .      | 31st March 1938.                                                                        |
| 43. Narasaraopet .. .. .   | .....                                                                                   |
| 44. Negapatam .. .. .      | 31st March 1938.                                                                        |
| * 45. Nellore .. .. .      | 31st March 1938.                                                                        |
| * 46. Ongole .. .. .       | 30th June 1938.                                                                         |
| * 47. Ootacamund .. .. .   | 30th September 1937.                                                                    |
| 48. Palacole .. .. .       | Do.                                                                                     |
| 49. Palamcottah .. .. .    | 31st March 1938.                                                                        |
| * 50. Palghat .. .. .      | 31st March 1937.                                                                        |
| 51. Palni .. .. .          | 31st December 1937.                                                                     |

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| Name of municipality.        | Time extended till                                                                                  |
|------------------------------|-----------------------------------------------------------------------------------------------------|
| 52. Peddapuram .. .. .       | 31st March 1938.                                                                                    |
| * 53. Periyakulam .. .. .    | Do.                                                                                                 |
| 54. Pollachi .. .. .         | Do.                                                                                                 |
| * 55. Proddatur .. .. .      | 31st March 1937.                                                                                    |
| * 56. Rajahmundry .. .. .    | 31st March 1938.                                                                                    |
| * 57. Saidapet .. .. .       | 1st October 1937.                                                                                   |
| * 58. Salem .. .. .          | 31st March 1938.                                                                                    |
| 59. Sivakasi .. .. .         | 30th September 1937.                                                                                |
| 60. Srirangam .. .. .        | 31st March 1938.                                                                                    |
| * 61. Srivilliputtur .. .. . | 30th June 1937.                                                                                     |
| 62. Tadpatri .. .. .         | 31st March 1939.                                                                                    |
| 63. Tanjore .. .. .          | 30th September 1937.                                                                                |
| 64. Tellicherry .. .. .      | Government have ordered the<br>preparation of the scheme to<br>be deferred until further<br>orders. |
| * 65. Tenali .. .. .         | 31st March 1937.                                                                                    |
| * 66. Tinnevely .. .. .      | 31st December 1937.                                                                                 |
| * 67. Tirupati .. .. .       | 30th September 1937.                                                                                |
| 68. Tirupattur .. .. .       | 31st March 1938.                                                                                    |
| * 69. Tiruppur .. .. .       | 30th September 1937.                                                                                |
| 70. Tiruvannamalai .. .. .   | 1st April 1937.                                                                                     |
| 71. Tiruvarur .. .. .        | 31st March 1938.                                                                                    |
| * 72. Trichinopoly .. .. .   | 1st October 1937.                                                                                   |
| * 73. Tuticorin .. .. .      | 31st March 1938.                                                                                    |
| * 74. Udumalpet .. .. .      | 31st March 1937.                                                                                    |
| * 75. Vaniyambadi .. .. .    | 31st March 1938.                                                                                    |
| * 76. Vellore .. .. .        | 31st March 1937.                                                                                    |
| 77. Villupuram .. .. .       | 31st March 1939.                                                                                    |
| 78. Virudunagar .. .. .      | 31st March 1938.                                                                                    |
| * 79. Vizagapatam .. .. .    | 1st October 1936.                                                                                   |
| * 80. Vizianagram .. .. .    | 31st March 1939.                                                                                    |
| 81. Walajapet .. .. .        | 31st March 1937.                                                                                    |
| 82. Udupi .. .. .            | Recently constituted municipa-<br>lity. 1st November 1936.                                          |

(NOTE.—The preparation of scheme is making progress in the municipalities marked with an asterisk, most of which have entertained special Town-Planning staff.)

## APPENDIX IV.

[Vide answer to starred question No. 20 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on 31st August 1937, page 41 supra.]

Statement showing the provision made for boarding grants and the expenditure incurred during the years 1934-35 to 1936-37.

|                          | 1936-37.                        |              | 1935-36.                        |              | 1934-35.                        |              |
|--------------------------|---------------------------------|--------------|---------------------------------|--------------|---------------------------------|--------------|
|                          | Modified<br>appro-<br>priation. | Expenditure. | Modified<br>appro-<br>priation. | Expenditure. | Modified<br>appro-<br>priation. | Expenditure. |
|                          | RS.                             | RS.          | RS.                             | RS.          | RS.                             | RS.          |
| <b>European Schools—</b> |                                 |              |                                 |              |                                 |              |
| Secondary ..             | 2,50,400                        | 2,50,375     | 2,24,200                        | 2,24,200     | 2,21,200                        | 2,21,200     |
| Primary ..               | 8,700                           | 8,466        | 8,700                           | 8,625        | 6,500                           | 6,456        |
| <b>Indian Schools—</b>   |                                 |              |                                 |              |                                 |              |
| Agency Schools.          | 900                             | 900          | 3,900                           | 3,917        | 4,000                           | 3,981        |
| Other Schools.           | 2,84,600                        | 2,84,574     | 2,50,000                        | 2,50,000     | 2,63,900                        | 262,452      |

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## APPENDIX V.

[Vide answer to unstarred question No. 10 asked by Mr. R. Srinivasa Ayyangar at the meeting of the Legislative Council held on 31st August 1937, page 53, supra.]

| District.                | Name.                                                | Office held.                              | Date of first appointment.*             | Term of appointment. |
|--------------------------|------------------------------------------------------|-------------------------------------------|-----------------------------------------|----------------------|
| <b>Annexure A.</b>       |                                                      |                                           |                                         |                      |
| Chingleput ..            | M.R.Ry. D. K. Varadachariyar Avargal.                | Government Pleader.                       | 29th May 1936 ..                        | First term.          |
| ..                       | .. P. K. Seshadri Ayyangar Avargal.                  | Public Prosecutor.                        | 20th May 1932 ..                        | Second term.         |
| Ramnad.. ..              | .. A. Lakshminarayana Ayyar Avargal.                 | Government Pleader.                       | 20th May 1935 ..                        | First term.          |
| ..                       | .. E. Periyannayakam Avargal.                        | Public Prosecutor.                        | 8th February 1936.                      | Do.                  |
| Salem .. ..              | .. S. Vijayaraghavachariyar Avargal.                 | Government Pleader.                       | 21st April 1936 ..                      | Do.                  |
| ..                       | .. M. S. Vijayaraghavachariyar Avargal.              | Public Prosecutor.                        | 22nd October 1934.                      | Do.                  |
| Trichinopoly ..          | .. P. S. Krishnamurthi Ayyar Avargal.                | Government Pleader.                       | 1st June 1933 ..                        | Second term.         |
| ..                       | .. Diwan Bahadur T. M. Narayanaswami Pillai Avargal. | Public Prosecutor.                        | 3rd November 1932.                      | Do.                  |
| <b>Annexure B.</b>       |                                                      |                                           |                                         |                      |
| Anantapur ..             | M.R.Ry. M. Bayappa Reddi Garu.                       | Government Pleader and Public Prosecutor. | 5th December 1934.                      | First term.          |
| North Arcot ..           | .. Rao Sahib C. Doraiswami Avargal.                  | Do.                                       | † 28th July 1937 and ‡ 5th August 1937. | Do.                  |
| South Arcot ..           | .. Rao Sahib T. R. Chakrapani Ayyangar Avargal.      | Government Pleader.                       | 18th February 1930.                     | Second term.         |
| ..                       | ..                                                   | Government Pleader and Public Prosecutor. | 20th January 1933.                      |                      |
| Bellary .. ..            | .. Anjaneyalu Garu ..                                | Government Pleader and Public Prosecutor. | 17th December 1935.                     | First term.          |
| Chittoor .. ..           | .. C. Venkataramana Ayyar Avargal.                   | Do.                                       | 25th September 1935.                    | Do.                  |
| Coimbatore and Nilgiris. | .. K. G. Gopal Pillai Avargal.                       | Do.                                       | 13th July 1937 ..                       | Do.                  |
| Cuddapah ..              | .. Md. Habibullah Sahib Bahadur ..                   | Do.                                       | 9th February 1934.                      | Second term.         |
| East Godavari ..         | M.R.Ry. M. Appa Rao Nayudu Garu.                     | Do.                                       | 30th July 1935                          | First term.          |
| West Godavari ..         | .. R. V. Rama Rao Garu ..                            | Do.                                       | 2nd October 1936.                       | Do.                  |
| Guntur .. ..             | .. D. Srinannarayana Chowdari Garu.                  | Do.                                       | 19th March 1937.                        | Do.                  |
| Kistna .. ..             | .. K. V. Ramanayya Nayudu Garu.                      | Do.                                       | 29th June 1937.                         | Do.                  |
| Kurnool .. ..            | .. Y. Balli Reddi Garu ..                            | Do.                                       | 5th June 1937 ..                        | Do.                  |
| Madura .. ..             | .. P. Rangaswami Nayudu Garu.                        | Do.                                       | 27th November 1936.                     | Do.                  |
| North Malabar ..         | .. G. Damodara Rao Avargal.                          | Do.                                       | 25th September 1929.                    | Third term.          |
| South Malabar ..         | .. K. V. Suryanarayana Ayyar Avargal.                | Do.                                       | 10th February 1932.                     | Second term.         |
| Nellore .. ..            | .. S. Malakonda Reddi Garu.                          | Do.                                       | 25th July 1936 ..                       | First term.          |
| South Kanara ..          | .. K. Sadasiva Rao Avargal.                          | Do.                                       | 18th September 1935.                    | Do.                  |
| East Tanjore ..          | .. T. S. Kuppuswami Ayyar Avargal.                   | Do.                                       | 27th January 1932.                      | Second term.         |
| West Tanjore ..          | .. Rao Bahadur A. Narasimhachariyar Avargal.         | Do.                                       | 15th August 1934.                       | Do.                  |
| Tinnevely .. ..          | .. Rao Sahib P. Avudayappa Pillai Avargal.           | Do.                                       | 16th July 1932 ..                       | Do.                  |
| Vizagapatam ..           | .. Rao Bahadur D. Srinama Sastri Garu.               | Do.                                       | 26th October 1923.                      | Fifth term.          |
| ..                       | .. E. K. Narasinga Rao Garu.                         | Do (Agency).                              | 12th May 1936 ..                        | First term.          |

\* Date of Government Order appointing them.

† Date of appointment as Government Pleader.

‡ Date of appointment as Public Prosecutor.

§ The offices of Government Pleader and Public Prosecutor are not now separate.

## THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 1st September 1937.

The House met at 2 p.m. in the Council Chamber, Fort. St. George, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

## I.—QUESTIONS AND ANSWERS.

## STARRED QUESTIONS.

*Cinchona plantations and the Government's policy as to their extension.*

\* 26 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased—

(a) to place before the House a statement showing the various Government cinchona plantations with their location, areas, officials in charge, the number of labourers employed, and cost; and

(b) to state what the policy of Government is as to the extension of these plantations?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) The particulars asked for by the hon. Member are under:—

| Location.                             | Area of plantations in acres on 1st April 1936. | Officer in charge on 1st July 1937.      | Number of coolies employed on 1st July 1937. | Value of plantations 1st April 1936. |
|---------------------------------------|-------------------------------------------------|------------------------------------------|----------------------------------------------|--------------------------------------|
|                                       |                                                 |                                          |                                              | RS. A. P.                            |
| Dodabetta .. ..                       | 39                                              | Mr. C. Chinnasami Naidu (Head Overseer). | 133                                          | 11,563 5 9                           |
| Naduvattam including Hooker division. | 971                                             | Mr. F. X. Miranda (Superintendent).      | 719                                          | 4,24,917 4 4                         |
| Anamalais .. ..                       | 939                                             | Mr. K. C. Eapen (Superintendent).        | 98                                           | 9,87,188 5 6                         |

“(b) The present idea is that about 100 acres per annum should be planted at Naduvattam for the next five years beginning with 1937-38 and at the rate of 100 acres on the Anamalais beginning from 1938-39. Thirty acres will be planted at Dodabetta in 1937-38 and 60 acres in each of the succeeding four years. This programme does not however mean any large addition to the area



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under plantations. The programme is intended to give rest to the areas from which bark has been or is being harvested."

MR. J. A. SALDANHIA:—" May I know whether the proposal to extend the area will suffice to meet the requirements of this Presidency so far as the distribution of quinine free is concerned? "

THE HON. MR. V. I. MUNISWAMI PILLAI:—" I do not think so, but I may inform the hon. Member that there is going to be a conference in Delhi shortly when the whole question will be settled."

MR. J. A. SALDANHIA:—" May I enquire whether the Government of Madras will impress upon the Government of India that India is actually importing quinine from Java and that a country like India which was first to plant cinchona, should have sufficient cinchona plantations to meet the requirements here? "

MR. PRESIDENT:—" The hon. Member is making a speech instead of putting a supplementary question."

MR. J. A. SALDANHIA:—" It is a long question, Sir."

THE HON. MR. V. I. MUNISWAMI PILLAI:—" That question is before the Government and it will be decided at the conference."

*Lepers and asylums maintained by Government and private bodies in the Presidency to accommodate them.*

\* 27 Q.—MR. J. A. SALDANHIA: Will the Hon. the Minister for Public Health be pleased to state—

(a) what the estimated number of lepers in this Presidency is;

(b) whether the Indian Lepers Act has been applied to any part of the Madras Presidency; if not, what the reasons are for the delay;

(c) the number of lepers accommodated in asylums maintained by Government and private asylums and the annual cost for each;

(d) what is the number of clinics—Government or private aided—for treating lepers as outside patients and what is the number thus treated in this Presidency;

(e) what the reported results on the whole are of the treatment of lepers as in-patients and out-patients; and

(f) what further steps the Government are going to take for dealing with lepers?

THE HON. DR. T. S. S. RAJAN:—" (a) The estimated number of lepers in this Presidency according to the last census report (1931) is 33,127. According to the Public Health Survey of 1931, the number of lepers is 52,763. According to the registration in leprosy clinics up to the end of June 1937 the number of lepers is 164,964,

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" (b) No. The question of extending the Lepers Act, 1898 (Act III of 1898), to this Presidency was considered in 1933 and it was decided that the matter should be dropped as such an extension was neither necessary nor desirable. The considerations which weighed with the Government in coming to this decision were the following:—

(1) The provisions of the Lepers Act were out of date and too antiquated to fit it with modern conditions.

(2) The only remedy provided under the Act was compulsory segregation of pauper lepers.

(3) The necessity for providing adequate accommodation for a large number of lepers would mean a large expenditure on building, staff and maintenance.

(4) Most of the pauper lepers belong to the burnt-out variety which is non-infectious according to the latest results of modern research.

(5) The difficulty of detecting infective cases of leprosy.

(6) The introduction of any element of compulsion is likely to destroy the confidence which the Government are trying to establish between lepers and medical officers and to induce a greater degree of concealment than exists at present."

" (c) A statement \* showing the information is appended.

" (d) The number of leprosy clinics in 1936 was 445. The total number of out-patients treated in the clinics was 55,326. The total attendance of these out-patients during the year 1936 was 788,396.

" (e) The results of the treatment of out-patients are quite satisfactory. It is difficult to assess the results of treatment of out-patients as a whole correctly because they stop treatment as soon as they obtain some relief. The follow-up of cases in villages by the chief and group leprosy officers show that in several cases, the improvement obtained has been maintained and that the disease has not progressed in them. The chief aims of treatment are to arrest the disease and to diminish the activity of the infective foci.

" The results in the case of the in-patients who were kept under control in the leper asylums and who had been discharged are given in column 3 of the statement furnished in the answer to clause (c).

" (f) In April 1937, the Government have sanctioned a scheme under which leprosy officers will do intensive work in the special • units allotted to them, supervise the work in the districts in which

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their special units are located and give help to adjoining districts when occasion demands it. The special units are located as follows:—

- (1) Anakapalle (Vizagapatam district).
- (2) Peddapuram (East Godavari district).
- (3) Vellore (North Arcot district).
- (4) Villupuram (South Arcot district).
- (5) Madura or Dindigul (Madura district).
- (6) Tanuku (West Godavari district).
- (7) Calicut (Malabar district).
- (8) Peddunaickanpalaiyam (Salem district).

“In addition to the above the Government have sanctioned the opening of

- (i) a special clinic for the study of leprosy among children at Saidapet; and
- (ii) a clinic in the vicinity of Tirumani for the intensive study of methods of leprosy control among adults.

“The further steps to be adopted in dealing with leprosy will be settled after the results of the scheme already sanctioned by Government are known.”

MR. J. A. SALDANHA:—“May I enquire whether measures cannot be adopted by the Government to amend the Lepers' Act which is an antiquated and obsolete enactment, as the Legislature of Madras has got concurrent powers to introduce legislation?”

THE HON. DR. T. S. S. RAJAN:—“The hon. Member must be alive to the fact that this is an all-India question; I doubt very much whether the Provincial Governments can amend the Act, according to special circumstances.”

MR. J. A. SALDANHA:—“Why should not the Madras Government suggest to the Government of India to amend the Act which is very obsolete, if we have not got powers?”

THE HON. DR. T. S. S. RAJAN:—“The matter will certainly receive consideration.”

*Tuberculosis patients and hospitals maintained by Government and private bodies in the Presidency for their treatment.*

\* 28 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state—

(a) what is the estimated number of people suffering from tuberculosis in this Presidency;

(b) what is the number of wards and beds provided for such patients in hospitals maintained by Government and local bodies or private aided or non-aided institutions, and at what cost to Government;

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(c) what the homes are—Government or private, aided or non-aided—maintained for the benefit of T.B. patients in the early stage or convalescent stage, and at what cost to Government; and

(d) what further measures Government propose to take and at what cost for such patients?

THE HON. DR. T. S. S. RAJAN:—“(a) Information as to the estimated number of people suffering from Tuberculosis in this Presidency is not available. But the number of patients treated for tuberculosis in the medical institutions during 1936 was 75,279.

“(b) A statement\* showing the number of wards and beds provided for the treatment of tubercular patients in General Hospitals and in other institutions is appended. The cost to Government on the treatment of tubercular patients in Government General Hospitals, is not available as separate accounts for each ward are not maintained. As regards cost to Government of private institutions and the Government Tuberculosis Hospital and Institute—vide answer to clause (c).

“(c) The institutions maintained for the treatment of tubercular patients are—

- (1) Tuberculosis Hospital, Royapetta.
- (2) Tuberculosis Institute, Egmore.
- (3) Tuberculosis Clinic, Egmore, started by the King George V Thanksgiving Fund, Indian Red Cross Society as an adjunct to the Tuberculosis Institute, Madras.
- (4) Tuberculosis clinic in the Government Victoria Caste and Gosha Hospital, Triplicane.
- (5) Tuberculosis Sanatorium, Tambaram.
- (6) Union Mission Tuberculosis Sanatorium, Madanapalle.
- (7) The Visranthipuram Sanatorium, Rajahmundry.
- (8) The (proposed) Coimbatore District Tuberculosis Sanatorium, Perundurai.

The total expenditure incurred on the maintenance of the Government Tuberculosis Hospital and the Tuberculosis Institute, Madras, in 1936–37 is Rs. 56,711 and Rs. 13,740 respectively. The grant paid to the Tuberculosis Sanatorium, Madanapalle, and Visranthipuram Sanatorium, Rajahmundry, is Rs. 27,580 and Rs. 5,000 respectively. Figures are not available in respect of other institutions.

“(d) Active proposals for opening of more hospitals and sanatoria for such patients are not now under consideration.”

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MR. J. A. SALDANHA:—" May I enquire whether the Women's Hospital at Mangalore has got any beds for tuberculosis patients? "

THE HON. DR. T. S. S. RAJAN:—" This is a matter which concerns a special hospital. The matter will certainly be enquired into and we will move the authorities to provide beds for tuberculosis patients, as is done in one or two of the City hospitals."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" Will the Government consider the desirability of having some beds for tuberculosis patients in all headquarter hospitals? "

THE HON. DR. T. S. S. RAJAN:—" The hon. Member must be aware that the proposal involves very heavy expenditure. The question of appointment of experts and the introduction of improved methods of treatment is essentially a question of finance. Secondly there must be a special staff to be employed for investigation purposes, who have undergone special training. If all these considerations are satisfied, the proposal can be looked into."

RAO BAHADUR M. RAMAKRISHNA REDDI:—" May I enquire whether the Government cannot at least provide for some clinics in the headquarters hospitals? "

THE HON. DR. T. S. S. RAJAN:—" I think the hon. Member is aware of the difficulties involved in giving effect to the proposal. The Government have been moving in the matter, as will be evidenced by the fact that various schemes for providing as many beds as possible for tuberculosis cases, have been given effect to."

MR. T. A. RAMALINGAM CHETTIYAR:—" May I ask whether the Government have provided the necessary contribution to the Perundurai Sanatorium in the budget for the current year? "

THE HON. DR. T. S. S. RAJAN:—" When the Sanatorium begins to work, the necessary provision will be made for it also."

MR. T. A. RAMALINGAM CHETTIYAR:—" The buildings will be ready by January of next year; I want to know whether the Government have made provision for the contribution towards the cost of the building and equipment of the Sanatorium in the current year? "

THE HON. DR. T. S. S. RAJAN:—" When the claims are made and when provision is asked for, necessary action will be taken."

MR. T. A. RAMALINGAM CHETTIYAR:—" The land acquisition matter is pending before the Government. Will the Government be pleased to expedite it as it has been pending with the Government for a long time? "

THE HON. DR. T. S. S. RAJAN:—" As soon as papers come to the Government, they will take action."

MR. J. A. SALDANHA:—" If people come forward with grants of money for providing beds in the Women's Hospital at Mangalore, may I enquire whether . . ."

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THE HON. DR. T. S. S. RAJAN:—" Mr. President, Sir, may I request the hon. Member to put a specific supplementary question? "

MR. PRESIDENT:—" The hon. Member should not make a speech."

MR. J. A. SALDANHA:—" If a person comes forward with a subscription of Rs. 10,000 for providing beds in the Women's Hospital at Mangalore . . ."

MR. PRESIDENT:—" The hon. Member will put a specific supplementary question."

THE HON. DR. T. S. S. RAJAN:—" This is a hypothetical question which does not require any answer."

MR. J. A. SALDANHA:—" Supposing a sum of Rs. 10,000 is offered for providing beds, will the Government come forward with another sum of Rs. 10,000? "

THE HON. DR. T. S. S. RAJAN:—" I would suggest to the hon. Member to donate the amount first; the Government will make the necessary provision."

MR. J. A. SALDANHA:—" Unless the Government come forward and make a promise, the would-be donor will not be willing to give the donation."

THE HON. DR. T. S. S. RAJAN:—" The Government cannot give any such promise."

*Interference of managers and officials of Government aided hospitals, schools and other public institutions in the last general elections.*

\* 29 Q.—MR. J. A. SALDANHA: Will the Hon. the Prime Minister be pleased to state—

(a) whether it has come to the notice of the Government that managers and officials of Government aided hospitals, schools and other public institutions (owned by registered bodies, priests or missionaries or private individuals) actively interfered in the last elections to the Madras Legislature by way of hostile campaign against the Congress candidates in Madras, South Kanara, Madura and Tanjore; and

(b) whether the Government have received any proposals for restricting such interference by placing such managers and officials on the same footing as Government officials?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (a) No such interference as is alleged in the question has come to the notice of the Government.

" (b) No."

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THE RIGHT HON. V. S. SRINIVASA SASTRI:—" May I ask the Hon. the Prime Minister whether his answer relates to cases where the interference was in the opposite direction. The question refers only to cases where the interference was against the Congress. May I know whether the answer is the same as regards the other class of cases also? "

THE HON. MR. C. RAJAGOPALACHARIAR:—" As far as I can reply off-hand, I think the answer ' no such interference ' is for all cases."

MR. J. A. SALDANHA:—" May I know whether the Ministers have heard of these complaints? "

THE HON. MR. C. RAJAGOPALACHARIAR:—" After I became Member of Government, I have not heard."

*Working of the Madras District Municipalities (Amendment) Act of 1929 regarding free access to wells, markets, etc., maintained by municipalities for the public without caste or any other distinction.*

\* 30 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government are aware how far Madras Act XVII of 1929 amending the District Municipalities Act so as to open for use freely markets, wells, reservoirs and roads maintained by municipalities or Government without distinction of race, religion or caste, has been infringed or enforced;

(b) whether any grievances in those respects have been brought to the notice of the Government; and

(c) whether the Government have been approached with a view to extend the operation of the Amending Act of 1929 to schools and other institutions maintained or aided by Government or municipalities?

THE HON. MR. B. GOPALA REDDI:—" (a) The Government have no information.

" (b) One instance from Trichinopoly district was brought to the notice of Government.

" (c) The answer is in the negative."

*Operation of the Malabar Tenancy Act and grievances, if any, represented to the Government by the janmis, karamdars or verumpattamdars or other tenants.*

2-15 p.m. \* 31 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government have received and published reports as to the working of the Malabar Tenancy Act;

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(b) if the Government have received reports or complaints on the special hardship in the operations of the Act from janmis, kanamdars or verumpattamdars or other tenants;

(c) what information have the Government in respect of the fixity of tenure guaranteed to various tenant classes under certain conditions; and

(d) if the operations in respect of this fixity of tenure have been satisfactory, have Government in view the extension of it to such tenancies elsewhere in the Presidency?

THE HON. MR. T. PRAKASAM:—" (a) Reports on the working of the Act have been received; but it was considered unnecessary to publish them.

" (b) A deputation on behalf of the janmis waited on His Excellency the Governor in November 1936 and represented their difficulties with respect to the working of the Malabar Tenancy Act. Their representations are under the consideration of the Government. There have been no representations from kanamdars, verumpattamdars or other tenants.

" (c) According to a report of the Collector of Malabar, the working of the Act has been fairly satisfactory.

" (d) The Government have no proposals of the kind under consideration and see no need for them in the rest of the Presidency."

MR. J. A. SALDANHA:—" May I enquire, Sir, whether having regard to the fact that fixity of tenure is one of the fundamental principles of sound tenancy legislation, for the prosperity of the agricultural classes, the Government will be pleased to extend the principle of fixity of tenure to other parts of the Presidency? "

THE HON. MR. T. PRAKASAM:—" Tenure had been fixed in respect of the other parts of the Presidency long ago, while in Malabar it has been fixed only recently and only a few years back the Act was amended. With regard to the question whether the operation of the Act has been satisfactory, it has been ascertained that it has been working fairly satisfactorily."

MR. J. A. SALDANHA:—" May I know whether fixity of tenure is existing in the ryotwari districts elsewhere in the province? "

THE HON. MR. T. PRAKASAM:—" As regards the ryotwari tenures, there is a general scheme which is proposed to be adopted by Government and that would be placed shortly before the House."

DR. C. RAMALINGA REDDI:—" Arising out of the answer made by the Hon. Minister that representations from janmis are being considered, may I request the Government to take the verumpattamdars and kanamdars also into their confidence and obtain their criticisms to the representations before final orders are passed by Government? "

THE HON. MR. T. PRAKASAM:—" Certainly."

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*Defects in the working and constitution of the district educational Councils and inadequacy of representation of Government aided private schools on them.*

\* 32 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether various defects in the constitution and working of district educational councils have been brought to the notice of the Government;

(b) if it has been brought to the notice of the Government that Government aided private schools are not adequately represented in district educational councils as compared with the local boards—

(c) whether and how far the Government have found that the complaints are justified; and

(d) what reliefs the Government have decided to give?

THE HON. DR. P. SUBBARAYAN:—“(a) to (d) Certain representations have been received by the Government on the subject. The question of the future of the district educational councils is engaging the attention of Government.”

RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I ask whether the Government are considering the question of abolishing the district educational councils and if so, with effect from what date?”

THE HON. DR. P. SUBBARAYAN:—“I cannot give any definite information at present, because the question is still under consideration.”

*Places wherein compulsory education has been introduced and the cost for the same met by the Government.*

\* 33 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Education and Legal Departments be pleased—

(a) to place before the House a statement showing the villages and towns outside the Madras City in which free and compulsory education has been introduced, the cost of it borne by the Government, local bodies and private owners (aided), the amount of aid and compensation given by the Government; and

(b) to state to what extent and at what cost it has been resolved to extend free and compulsory education?

THE HON. DR. P. SUBBARAYAN:—“(a) The hon. Member is referred to the statement on page 42 of Volume I of the Report on Public Instruction for 1935–36. Separate figures of cost on account of the introduction of compulsory elementary education are not available. Local bodies meet the cost from their Elementary Education Funds to which the grants given by Government are credited.

“(b) The matter has not been decided.”

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MR. J. A. SALDANHA:—“May I know, what the amount of Government grant is for introducing compulsory education in municipalities and local boards?”

THE HON. DR. P. SUBBARAYAN:—“It is not possible to give the amount.”

MR. J. A. SALDANHA:—“Is it not possible to give the amount after some date; it cannot be millions or lakhs of rupees, but after all it may be a small amount?”

THE HON. DR. P. SUBBARAYAN:—“If the hon. Member will take the trouble of putting down another question, I may then give the information.”

*Construction of Singalandhi Dam in Tanjore district.*

\* 34 Q.—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) when the Singalandhi Dam across Marakorayar in Vennar division, Tanjore district, was constructed and at what cost;

(b) whether that dam is under repairs now;

(c) whether it is a fact that no action was taken to repair it; and

(d) if so, why?

A.—THE HON. MR. YAKUB HASAN:—“(a), (b), (c) & (d) Government have no information but have called for a report.”

*Budget provision for improvements to the Vizagapatam Medical College.*

\* 35 Q.—MR. L. SUBBA RAO: Will the Hon. the Minister for Public Health be pleased to state—

(a) the estimated capital cost guaranteed by the Government in 1935 to effect improvements to the Medical College, Vizagapatam;

(b) the amount that has been spent since then on that account;

(c) whether the Government informed the Indian Medical Council that they would make adequate provision to effect the improvements recommended by the Indian Medical Council;

(d) if so, whether the Government will place on the table a copy of the communication; and

(e) whether any provision is proposed to be made in the Budget for the next half-year to carry out the improvements under capital account?

THE HON. DR. T. S. S. RAJAN:—“(a) In 1935, the Government accepted a programme of improvements to buildings to the Medical College and King George Hospital, Vizagapatam, costing about Rs. 16 lakhs subject to a detailed examination.

“(b) No amount has yet been spent.

“(c) Yes.

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“(d) A copy of Letter \* No. 511, P.H., dated the 19th May 1936, will be laid on the table of the House.

“(e) The question is under consideration.”

MR. L. SUBBA RAO:—“Arising out of the statement, may I request the Hon. Minister to state whether detailed plans and estimates have since been received, i.e., since 19th May 1936 by the Government of Madras?”

THE HON. DR. T. S. S. RAJAN:—“Subsequent to that date, the Surgeon-General proceeded to Vizagapatam and the whole scheme has been reinvestigated and fresh estimates have been submitted to the Public Works Department and it is now under the consideration of the Public Works Department. It is not yet in the hands of Government.”

MR. L. SUBBA RAO:—“Arising out of the statement, may I request the Hon. Minister to tell us whether any further proposals from the Surgeon-General have since been received for the employment of additional staff?”

THE HON. DR. T. S. S. RAJAN:—“The answer that I have given is the latest answer that I could give, and that is, the Surgeon-General has examined the question and has submitted further proposals and the estimates are now before the Public Works Department.”

MR. L. SUBBA RAO:—“My question relates to the appointment of additional staff?”

THE HON. DR. T. S. S. RAJAN:—“No additional staff as far as Government are aware, has been employed, but I do not know definitely about it.”

DR. C. RAMALINGA REDDI:—“May I ask the Hon. the Minister, how many lakhs he proposes to allot according to the next budget?”

THE HON. DR. T. S. S. RAJAN:—“I cannot tell you now, Sir.”

*Collection of assessment at reduced rates in West Godavari district.*

\* 36 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government collected assessment at half the rates for second-crop as per demand in the new settlement registers instead of giving remission of three annas in the rupee in fasli 1346 in West Godavari district;

(b) whether the Government collected water-cess for second-crop on inam and zamin lands at the reduced rate for the said fasli; and

(c) why such distinction is made?

THE HON. MR. T. PRAKASAM:—“(a) Yes, on single crop wet lands.

“(b) Yes.

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“(c) The land revenue concessions were intended to apply only to the basic assessment and to the water-cess and not to any miscellaneous extra charge like fasaljasti. Water-cess being a charge for services rendered, namely, the supply of water, the Government decided to grant a concession in respect of such charge.”

MR. P. PEDDI RAJU:—“May I know whether in the case of second crop also, it is for services rendered and that the assessment would be finally revised in the case of ryotwari lands?”

THE HON. MR. T. PRAKASAM:—“Notice, Sir.”

*Extent of waste lands in Bhimavaram and Narasapur taluks and proposal, if any, to sell them in auction.*

\* 37 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether there are large extents of assessed waste lands in Bhimavaram and Narasapur taluks in West Godavari district;

(b) if so, the extents of such lands in each taluk; and

(c) whether the Government intend to sell these lands in auction or grant them to poor backward classes?

THE HON. MR. T. PRAKASAM:—“(a) & (b) The Government have no information but have called for a report.

“(c) The Government have from time to time been issuing orders reserving land for assignment, free in some cases and on payment of market value in others, to fishermen, Vaddis, depressed classes, poor caste ryots, etc. The intention was to sell in auction the remaining land. On a representation from the residents of Losarigutlapadu village, Bhimavaram taluk, the Government have ordered the postponement, pending further orders, of the sale of certain lands in that village which had been posted for the 16th August 1937 and have called for a report regarding the disposal of the lands. Assignment of waste lands either by auction or grant has been suspended until further orders in all the districts.”

*Famine relief works in West Godavari district.*

\* 38 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Revenue be pleased to state whether the Government have considered the advisability of starting famine relief works in the upland portions of West Godavari district?

THE HON. MR. T. PRAKASAM:—“There is nothing to indicate that the conditions in the upland portions of the West Godavari district are such as to call for the opening of famine relief works.”

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MR. P. PEDDI RAJU:—“Knowing as I do the locality, I may state that on account of want of fodder for cattle and for want of rain there is no sowing of crops. Will the Government cause an enquiry to be made to ascertain the need for famine relief works?”

THE HON. MR. T. PRAKASAM:—“Yes, certainly, enquiries will be made.”

*Conversion of the Lower Secondary School for girls at Ellore into a High School.*

\* 39 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Education and Legal Departments be pleased to state whether the Government intend to raise the lower secondary school for girls at Ellore into a high school?

THE HON. DR. P. SUBBARAYAN:—“There is no such proposal before Government.”

MR. P. PEDDI RAJU:—“Will the Government be pleased to enquire into the necessity for raising the lower secondary school for girls into a high school?”

THE HON. DR. P. SUBBARAYAN:—“The policy with regard to the opening of Government schools is not yet decided, but when the policy is decided, I shall consider the suggestion of the hon. Member.”

*Proposals for the construction of a Headquarter Hospital at Ellore.*

\* 40 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Public Health be pleased to state in what stage the proposals for constructing a Headquarter Hospital at Ellore are?

THE HON. DR. T. S. S. RAJAN:—“The Surgeon-General has been asked to submit proposals for the construction of a new hospital.”

### UNSTARRED QUESTIONS.

*Publication of a manual relating to the administration of district municipalities and local boards.*

20 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Local Administration be pleased to state whether the Government have published a manual relating to—

(1) District municipalities; and

(2) Local boards

containing orders and notifications issued by the Government from time to time?

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A.—The Government have published a municipal account code, a local boards manual and an union manual containing the orders and notifications issued by them.

*Proposal, if any, to take action on certain village officers who took part in election campaign during the last general elections.*

21 Q.—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Revenue be pleased to state whether the Government propose to take any action in connexion with the suspension or dismissal of some village officers such as potails, etc., in South Kanara district for having taken part in the public meetings arranged by the different parties in the last elections?

A.—No such cases have come to the notice of the Government. The remedy of appeal to the District Collector and the Board of Revenue is open to any village officer who was suspended or dismissed. No action on the part of the Government is called for.

*Enhancement of grazing fees in Chittoor district and permission to ryots for removal of dry fuel.*

22 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that the fees for grazing of cattle in reserved forest in Chittoor district were raised from 3 annas to 6 annas and if so, in what year and for what reasons; and

(b) whether the Government have refused permission to the ryots for the removal of dry fuel from the reserved forest and whether the Government have received representations from the villagers against the raising of the rates of grazing fees and about the dry fuel and if so, what action has been taken thereon?

A.—(a) The rate of 8 annas per cow unit in force prior to 1924 was reduced to 3 annas a cow unit on the recommendations of the Chittoor Forest Committee. The anticipation of the committee that the reduction would lead to a large number of permits being taken was not realized. In view of the large fall in income and of the difficulty experienced by the forest panchayats in paying their way with a grazing rate of 3 annas, the rates had to be raised to 6 annas with effect from 1st July 1925.

(b) No representations were received with regard to the removal of dry fuel. The removal of the dry wood in reserved forest is however not permissible. A petition was received in 1926 from the ryots of Peddur village in the Palmaner range asking for a reduction in the grazing fees. This request was not granted.

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*Term of the "Working plan branch" of the Forest department and the cost of the same.*

23 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. Minister for Agriculture and Rural Development be pleased to state—

(a) for how long the "Working plan branch" of the Forest department will be continued;

(b) what is the annual cost of establishment of the "Working plan branch";

(c) what the nature of work turned out by this branch till now is; and

(d) whether it is a fact that the Government have already started the revision of 'Wynad' division working plan?

A.—(a) According to the programme drawn up by the Chief Conservator of Forests and approved by the Government the preparation of working plans for all reserved forests will probably be completed in July 1939. The working plan circle will however be continued even after that date for work in connexion with the revision of working plans, etc., though with a reduced staff.

(b) The annual cost of establishment is given in the administration report of the Forest department. The cost in 1935-36 was Rs. 2,65,127.

(c) The working plan circle is engaged in the preparation of new working plans or the revision of working plans in the various divisions.

## SQ. MILES.

- |                                                                                                                 |        |
|-----------------------------------------------------------------------------------------------------------------|--------|
| (1) The total area of reserved forests at the end of 31st March 1936 ...                                        | 19,017 |
| (2) Area of reserved forests for which working plans existed in 1925-26 when the circle was formed ...          | 5,801  |
| (3) Area of reserved forests for which working plans have been revised or newly prepared on 31st March 1936 ... | 12,343 |

(d) Yes.

*Possibilities of any irrigation project in Chittoor for improving irrigation facilities.*

24 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) if any investigation of possible irrigation projects was ever made in the district of Chittoor;

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(b) whether he will place the connected report, if any, on the table; and

(c) if the Government have in view the construction of any irrigation project in the near future with a view to improve the irrigation facilities in Chittoor district?

A.—(a) & (b) Yes. The restoration of the Beerappa cheruvu of Airala village in Chittoor taluk has been sanctioned as a famine relief work. The restoration of the Venkatanarayana cheruvu in Vayalpad taluk was considered and dropped because of the scarcity of local labour, the situation of the tank in an out-of-the-way place, and the ryots' apathy in the matter. The reports regarding the Beerappa cheruvu will be sent to the Hon. Member for perusal if required. The reports regarding Venkatanarayana cheruvu are not available with Government as the scheme was ordered to be dropped by the Chief Engineer on the recommendation of the Superintending Engineer and the Collector.

(c) No.

*Official Receivers and the rebate of commission given by them to Government.*

25 Q.—MR. S. A. S. RM. RAMANATHAN CHETTIYAR: Will the Hon. the Minister for Courts and Prisons be pleased to lay on the table of the House a statement showing—

(1) the amount of rebate of commission from the Official Receivers in the various districts from 1916 to 1937;

(2) the expenditure incurred on the establishments of Official Receiver's Court in each district;

(3) the names of districts where there has been mismanagement and the extent of the loss in each case; and

(4) the names of Official Receivers in the various districts and the rebate given by them to Government from 1914 to 1937?

A.—(1) and (2) \* Annexure 'A' shows the figures so far as they are available.

(3) Cases of mismanagement were brought to notice in regard to Anantapur and Coimbatore. There has been no loss

\* Printed as Appendix IV on page 103 infra.



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to Government, as the amounts have been ordered to be recovered from the Official Receivers concerned.

- (4) The Government consider that no useful purpose commensurate with the time and labour involved will be served by collecting the information required. <sup>b</sup> Annexure 'B' however gives the names of existing Official Receivers in this Presidency.

*Minor irrigation works in Malabar and expenses if any therefor.*

26 Q.—MR. M. NARAYANA MENON: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether any and, if so, how many minor irrigation works are being maintained by the Government in the different taluks in the Malabar district; and

(b) what the annual expense, if any, incurred by the Government is for the maintenance of such works in each taluk during the last five years?

A.—(a) & (b) There are no minor irrigation works in the Malabar district. With reference to the reply given by His Excellency the Governor to the address presented to him by the District Board during his tour in that district in October last, the Government are examining the possibility of introducing irrigation works in the district similar to those in existence in the Travancore and the Cochin States.

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

## II.—BUDGET FOR 1937–38.

\* THE HON. MR. C. RAJAGOPALACHARIAR:—“Sir, I rise to present to this Assembly the Budget for the current year 1937–38. Before I approach the actual Budget, I crave the indulgence of the House to make some preliminary observations which the present occasion seems to demand. The present Legislature is the first in the history of the Province to be entirely devoid of any official element. For the first time the Treasury Bench is occupied by a body of persons elected by and wholly responsible to the people of the Province, and a representative of the people is charged with the duty of placing the annual estimates before the Legislature and of asking it to vote supply. It is, then, appropriate that I should first refer to the financial

<sup>b</sup> Printed as Annexure B to Appendix IV at page 107 infra.

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changes which have been brought about by the Government of India <sup>The new</sup> Act, 1935, with special reference to the extent to which the power of the <sup>conditions.</sup> purse has been placed under the control of the Legislature. The Act of 1919 introduced a kind of financial autonomy, but it was diluted to such an extent as to be practically unrecognizable. Both taxation and borrowing powers of Provincial Governments were severely restricted. The Governor-General in Council and the Secretary of State had large and general powers of superintendence, direction and control. The Governor had wide powers of certifying expenditure and, under his Instrument of Instructions, he was the care-taker of the solvency and the probity of public finance of the Province. It is true that under the present Constitution also the control of the Assembly over the finances of the Province is fettered in three respects. First, the Province may not borrow without the consent of the Central Government so long as a debt to that Government is outstanding or if the borrowing is outside India; but this restriction is coupled with a statutory prohibition against an unreasonable withholding of consent. The second restriction is that certain expenditure which is about 15 per cent of the total in the current year is under the Act charged on the revenues of the Province, and is thereby removed from the vote of the Assembly. The main items so charged are, expenditure relating to His Excellency the Governor and his office, debt service charges, statutory grants for university and elementary education, certain payments to local bodies, expenditure on the High Court, and the salaries, allowances and pensions of a class of members of the Services. The third restriction is that the Governor is empowered to make such provision as he considers necessary for the due discharge of what are called the special responsibilities imposed on him by the Act. But from the discussions which took place in the matter of these special responsibilities from April to the middle of July we may, I think, confidently assume that His Excellency is not likely to seek to exercise this special power. I should perhaps specifically mention that neither under the Act nor under the Governor's Instrument of Instructions do His Excellency's special responsibilities include one for the maintenance of the financial stability of the Province. That responsibility has now been transferred to the popularly elected Government, and I am confident that the Ministry can rely on the support of Hon'ble Members of this House in maintaining the credit of the Province which is our greatest asset. This is the more necessary in that a Provincial Government can now no longer borrow from the Central Government but has to float its own loans on the money market. To the extent that its credit becomes impaired by unwise finance it will have to pay more for its loan money, as also will those to whom the Government re-lend have to do, such as local bodies, co-operative societies and agriculturists.

“I pass now to another preliminary explanation. In normal circumstances the Budget for a financial year is brought before the Legislature <sup>Governor's</sup> towards the close of the previous year, and is passed through all its <sup>Budget.</sup> stages before the end of the year, in order that funds may be available

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for expenditure on and from the 1st April. This procedure could not be followed in the case of the current year as the new Constitution was inaugurated in the Provinces on the 1st April 1937 and there were obvious objections to the old Government preparing and the old Legislative Council passing a Budget for the first year of a Government constituted under the new order. To meet this special situation an Order-in-Council empowered the Governor to authorize expenditure to enable the business of the Government to be carried on from the 1st April until such time not exceeding six months as the schedule of authorized expenditure for the whole year is voted by the Assembly. The object of this device was merely to make appropriation available, in advance of the regular provision of supplies through a Budget Session, to Ministers and the other competent spending authorities. It was not intended to give the Governor any special powers to incur expenditure, nor did it impose on the Ministry any obligation to incur expenditure so authorized. The operation of the Governor's 'grants on account' was, as has already been stated, limited to a maximum period of six months. Their total was also limited in amount to half of the revised estimate for 1936-37,—it actually fell some 36 lakhs below that limit—and so far as information is now available there will be no increase over the total amount already authorized. Copies of the detailed estimates making up this total have already been circulated to Members of both Chambers of the Legislature. The expenditure authorized by the Governor, it should be remembered, has been merged in the full year's estimates now presented to the Legislature, which cover the whole year and not merely the second six months. As soon as the Budget for the year has been passed by the Assembly and authenticated by the Governor the so-called 'six-months' Budget' will cease to have any operation.

"Before considering the estimates of the Budget year itself it is usual briefly to review the financial working of the two previous years, and it may be well not to break with this tradition. The last year for which final accounts are available is 1935-36, but not much need be said about them. The Budget for that year anticipated a small surplus on revenue account and the year closed in this respect as anticipated. The position under capital and debt heads improved as compared with the Budget anticipations by nearly 29 lakhs, due mainly to a special loan repayment by the Tuticorin Port Trust and to a shortfall in capital expenditure and in the disbursement of loans to the Madras Corporation. The Famine Relief Fund was drawn upon for financing famine relief operations by 16½ lakhs more than was provided for, mainly on account of the severe famine in the Bellary and Anantapur districts. The year 1935-36 closed with a Revenue balance of 186·27 lakhs, Suspense, etc., balances of 57·90 lakhs, and a balance of 44·48 lakhs in the Famine Relief Fund, making up a total of 288·65 lakhs, which was therefore the opening balance for the year 1936-37.

"There was at one time a considerable risk that the closing balance for 1935-36 might not be the opening balance for 1936-37. As and

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from the 1st April 1936, certain areas were taken away from the Province of Madras to form part of the newly constituted Province of Orissa, and there was much apprehension that a slice of our balances might accompany the loss of territory. Fortunately the danger did not materialize, and our balances were preserved to us. The changes in the financial position of our Province as the result of the constitution of the new Province have not been to our disadvantage. Our Revenue account has benefited to the extent of 22 lakhs annually, since the average expenditure in the transferred areas has been about 53 lakhs as against an average revenue of only about 31 lakhs. The Provincial debt was reduced to the extent of 47 lakhs by the transfer of this liability to the new Province, while the Madras Famine Relief Fund has been relieved of the liability to contribute to famine relief operations in the transferred areas. Madras's gain in these respects, I may add, is not Utkal's loss, since under the Niemeyer settlement the Central Government provided the Orissa Province with a suitable opening balance and will pay an annual subvention adequate to ensure the solvency of the Province. I am sure that the good wishes of the Honourable Members of this House and of the people of this Province are with the young Province of Utkal, and we trust that it will have a happy and prosperous future in its new-found life.

"Coming now to the financial year 1936-37, the Budget for the year 1936-37 was a balanced one, but according to the preliminary accounts there will be a deficit on revenue account of 17·89 lakhs. The deficit would have been less than a lakh but for a special transfer of 17 lakhs which, though not provided for in the Budget, was made late in the year from revenue to the Famine Relief Fund in order to raise the balance to the credit of the Fund to the statutory limit of 60 lakhs. The effect of this contribution has been to relieve the revenue account in the current year to the extent of 5 lakhs, which is the minimum annual appropriation from revenue under the Famine Relief Fund Act so long as the balance in the Fund stands at less than 60 lakhs.

"Under capital and debt heads the Budget for 1936-37 contemplated an outlay of 218·54 lakhs on capital works and on loans to cultivators, local bodies and others. It was proposed to find the amount from the anticipated recoveries of 61·89 lakhs on account of loans advanced in previous years, by borrowing 118·11 lakhs from the Government of India, and by drawal of the remainder of 38·54 lakhs from Provincial balances. The actual outlay was less than the estimate by 46·14 lakhs, due to short expenditure on electric schemes and civil works, while loan recoveries were higher than anticipated by 8·76 lakhs, mainly as the result of an advance repayment of loan by the Tuticorin Port Trust. During the year, however, the Government of India decided not to grant us the loan applied for, with the result that the amount drawn from the balances came to 101·75 lakhs as against 38·54 lakhs contemplated in the Budget.

"Under Suspense and other heads, the debits and credits according to the budget estimates for 1936-37 worked up to a net drawal of 22·24

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lakhs from the balance under these heads, mainly from the Central Road Fund and the Central Government's grant for rural economic development. Consequent however on the enactment of the Madras Famine Relief Fund Act in the course of the year, it became necessary to withdraw all cash balances of the Fund for investment in Government of India securities. On the other hand short expenditure on Central Road Fund works obviated the necessity of drawing on the balance to the credit of the Fund as the receipts during the year were more than sufficient to cover the actual expenditure. The net effect of these variations was that suspense balances were reduced by 39.45 lakhs as against 22.24 lakhs contemplated.

"The total effect of the financial results for the year 1936-37 under all heads was that, as against a total opening balance of 288.65 lakhs inclusive of a balance of 44.48 lakhs in the Famine Relief Fund held with the Government of India, the year closed with a total cash balance of 129.56 lakhs exclusive of the balance of about 60 lakhs held in the form of securities in the Famine Relief Fund under the Madras Famine Relief Fund Act, 1936.

The Debt position.

"The Debt position of the Province as on the 31st March 1937 can best be explained as follows. On the 1st April 1921 the Government of India transferred to us a debt liability of 985.12 lakhs, representing outlay incurred by them on our behalf prior to that date in respect of irrigation works, loans to cultivators, and the like. Between the 1st April 1921 and the 31st March 1937 our total borrowings came to 13,53.74 lakhs and our total repayments 763.31 lakhs. A debt of 47.09 lakhs was transferred to Orissa. The debt outstanding on the 31st March 1937 thus amounted to 15,28.46 lakhs, carrying a debt service liability of 87.67 lakhs in the year 1937-38. It will be seen that the total debt of the Province is less than one year's ordinary revenue, and is also less than the value of the remunerative assets owned by the Province, viz., loans given out by this Government, irrigation and electricity works, etc., as set out in Appendix II on page 148 of the Financial Secretary's Memorandum. Even from the most conservative point of view the Debt position of the Province cannot but be regarded as exceptionally sound.

"I may at this point mention the fact that the annual debt service charge of 87.67 lakhs which should have fallen to be met in the current year has been reduced to a figure of about 54.56 lakhs (the actual figure will be known only when the accounts for 1936-37 have been finally made up), as a result of the arrangement for the decentralization of balances and the consolidation of debt which was brought into effect along with the new Constitution. This is more fully explained in paragraph 16 of the Financial Secretary's Budget Memorandum supplied to you to-day. The immediate relief afforded to our Budget by this arrangement is to be welcomed, but we have to remember that it is a relief obtained at the expense of the future. Instead of having to meet

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immediately a high debt charge in respect of our old debts we have to meet in respect of past debts a charge which will remain a basic charge for the next 45 years and to which will be added further annual charges with every fresh loan that is floated. In other words we must anticipate for the next 45 years a continually mounting burden on the revenue account of the Province for the annual service of the Provincial indebtedness, which means that extra prudence and restraint will have to be exercised in borrowing for unproductive purposes.

"The way is now clear for a consideration of the real question before the House, viz., the Budget for the year 1937-38. It is not necessary for me to remind Hon'ble Members that the Ministry assumed the reins of office only in the middle of July last. The obligation to get the Budget through all its stages by the end of September involved presentation of it to this House by the end of August, which in turn involved the final formulation of the Budget proposals by the end of July, so as to allow the time necessary for its preparation in the Finance Department, printing, proof-reading and despatch to the Members of the Legislature sufficiently in advance of the Budget session. Hon'ble Members will therefore appreciate the fact that the time available to the Ministry for giving effect to any new policy in this year's budget was a mere matter of days and not weeks or months. If it is remembered that we had many other special problems to tackle consequent on our peculiar position on behalf of the Indian National Congress, and a considerable amount of study was necessary for us to know what the Budgetary position was, Hon'ble Members will readily forgive any shortcomings that they may be inclined to notice. We have done what we could in the short time available. We had inevitably to work on estimates already prepared, and although we have been able to give it some Congress orientation, the present Budget can hardly be regarded as all that we desired for a Congress Party's Budget.

"The position as we found it on our assumption of office was something as follows. The total revenue anticipated for the year was Rs. 16,06.74 lakhs, an increase of 32.81 lakhs over the revenue of the previous year. Notwithstanding that allowance had been made for land revenue concessions in fasli 1347 amounting to 75 lakhs as against 56½ lakhs in the previous fasli due to the collection of arrears of last year in the current year, anticipated extension of irrigation under the Cauvery-Mettur Project, and reduced provision for seasonal remissions in expectation of a normal season, it was anticipated that there would be an increase of 15½ lakhs under the head of Land Revenue. Last year, the south-west monsoon broke earlier than usual and was on the whole and defective. Wet crops were restricted in the Carnatic and Central districts and dry crops in the south. The north-east monsoon ushered itself in with a terrific cyclone which worked havoc in some districts, especially Guntur, and the Government had to grant large remissions of revenue and distribute aid to sufferers both in money and in kind. Except for this catastrophe the north-east monsoon was, on the whole, above normal in most districts.

Special difficulties.

Seasons and prices.

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"The south-west monsoon this year broke later than in last year, and though disappointing at the beginning has generally been normal on the whole, and there were no heavy floods. But in several districts (mostly those not served by it) water-supply was below normal, though sowing and transplanting have been going on as usual and the condition of standing crops as well as of their outturn and of cattle is reported to be fair. Fodder is reported to be generally sufficient and employment available. Prices of paddy, rice and commercial crops have generally been higher than in the corresponding period of last year, though prices of other food-grains and of pepper, sugar and cane jaggery have generally been lower. On the whole, this year both seasons and prices may be more favourable to the ryot.

"Other major anticipated increases were, 4½ lakhs under Excise and 8½ lakhs additional transfer from the Central Road Fund in expectation of better progress on works financed from that Fund. The total expenditure on standing sanctions, usually called Part I expenditure, was estimated at 15,90.49 lakhs. This was slightly less than the total expenditure in the previous year, inclusive of expenditure on new schemes, but I need not trouble you with details of the variations as they are fully explained in the Financial Secretary's Memorandum. The surplus available for schemes of new expenditure was thus a sum of 16.25 lakhs only. The main reason, we found, for the small size of this surplus in spite of the saving of 33 lakhs in debt charges owing to the consolidation of debt was that this saving had been largely mortgaged by our predecessors in advance. In September and December 1936 a large number of new schemes, which under the normal financial procedure should have been made to stand their chance along with other Part II schemes for consideration in connection with the Budget for 1937-38, were introduced by means of supplementary grants and voted by the old Legislative Council. The cost of the schemes so sanctioned which had to be met from current revenues was estimated at 14.01 lakhs recurring and 28.94 lakhs non-recurring, the latter to be spread over a few years. It was of course known that the expenditure which would be incurred in the year 1936-37 would be trifling, but the provision which had to be made on that account in Part I of the Budget for 1937-38 amounted to 19.75 lakhs.

"In spite of the large number of schemes of new expenditure thus introduced out of the normal way in the course of last year, a host of new schemes was brought forward by departments for consideration in connection with the current year's Budget. Their ultimate cost would come to about 25 lakhs recurring and over 2 crores non-recurring, while the cost of getting them started in the current year would of itself be about 50 lakhs. Most of these schemes are admirable in themselves and, if we could only afford them, they would be well worthy of acceptance. But as we have to live within our means, many a good scheme we had to shelve away for better times. We see here an illustration of the soundness of the general financial rule that all new schemes should be considered together at the time of the preparation of

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the Budget, rather than that some should be given specially favourable treatment in advance of and without reference to the general body of Part II schemes. It is a pity that this general rule was not observed in 1936.

"The estimates of revenue prepared before we took office have in the main, with but one exception, been accepted by the present Government, including the Land Revenue estimates. As I have stated already, those estimates provide for land revenue concessions in the current fasli to the extent of 75 lakhs, which is greater than has been given in any previous fasli. We have not yet had time to examine the position and decide as to the manner in which the grant of land revenue concessions should be distributed this year. But we must ask those who consider that the provision now made is inadequate to exercise a little patience. We are fully aware that the burden of the land revenue assessment is heavy, but the grant of relief on a scale which would be of material assistance to the individual small ryot would involve such a dislocation of the Budget of the Province that not even a beginning could be made with other ameliorative measures and reforms for the well-being of the masses which, in the opinion of the Government, are of great and urgent importance, and which it would not be right thus for the Government to disable itself from undertaking. The matter will certainly continue to engage the most careful and anxious consideration of the Government, but I want Hon'ble Members to realize that it is a complex and difficult question which cannot be solved by a stroke of the pen within a month or two of assuming the responsibility of running the administration which, as I have already explained, includes the responsibility of preserving the credit and the financial stability of the Province. We have under our consideration proposals for exploiting alternative sources of revenue, but time and negotiations with the Central Government are required to work them out and bring them into operation.

"While on the question of the relief of the land revenue burden, I may say, Sir, that my colleagues and I consider that of even greater urgency and value to the agricultural population is the adequate relief of indebtedness and immediate steps will therefore be taken in this direction, which will release the cultivator in our Province from the strangle-hold of unredeemable insolvency and despair and, we hope, make a man of him.

"Now I come to the major change which has been made in the estimates of revenue, viz., under the head of Excise. We regard the introduction of the prohibition of intoxicating drinks and drugs as of such vital and fundamental importance to the well-being of the people, that we felt that, at whatever cost, an effective start must be made at once. The Government therefore decided to close with effect from the 1st October 1937 all toddy and arrack shops in the district of Salem. The problem of prohibition has been complicated by the revenue from Drink having been worked deep into the financial structure of the Province. We have of course problems of enforcement and of finding

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other employment for the families who hitherto derived livelihood in the drink business. These questions have to be faced and tackled, and the Government being serious about it, have therefore decided to proceed step by step and not all at once. The first area to be tackled will be Salem. My colleagues have been pleased, Sir, in choosing the venue of this first memorable step to pay a delicate compliment to the faith and enthusiasm of their Premier in this cause, and have given preference to his native district. (Hear, hear). It is, Sir, not to be regarded as a mere experiment, but it should be understood as a first stage. Our policy is finally settled and there can be no question of withdrawal from it. We deem it wrong for Government to be party to the organizing of evil temptations calculated to ruin weak-willed people and cause the destitution of the women and children of their families. With time for financial adjustments and experience in the work of enforcement, it is confidently hoped that the prohibition of drink and drugs throughout the Province will become an accomplished fact. By losing 26 lakhs we really put no less than a crore in the pockets of the peasants and labourers of Salem District every year. So it will be in the rest of the Province as we proceed. But here, again, we must counsel patience to those who would like to see the whole of the Province become 'dry' at one swoop.

"The financial effect of closing liquor shops in the Salem District will, in a full year, be a loss of revenue of 26 lakhs. The loss in the current year will be 13 lakhs, which reduces the sum available for new schemes to the small figure of 3.25 lakhs. In the limited time at our disposal we could make but little alteration in the estimates of expenditure on standing sanctions, except in one respect. Our proposals for the salaries and allowances of Ministers, even including payment of salaries to Parliamentary Secretaries and Members of the Legislature, involved a saving of over Rs. 20,000 on the provision as it stood in the draft Budget when we came into office, but against this had to be set the provision of money for the purchase of cars for the use of Ministers. This latter measure we consider to be reasonable and desirable in view of the fact that the Minister will draw only a small salary and can hardly be expected to put himself to the expense of buying a car which is under present conditions necessary for the discharge of the duties of a political appointment of uncertain tenure (laughter); and this expenditure is not recurring but covers the utility for a number of years.

"In order to increase the amount available for new schemes the Government decided, as a temporary measure until their proposals for increasing revenue or for reducing expenditure in other directions can take shape and materialize, to meet the expenditure on the commutation of pensions from borrowings instead of from current revenues. This is a departure from past practice, under which, because the cost of commutations of pensions has settled down to a recurring charge at a fairly constant figure, it had been usual, with the approval of the Auditor-General and the Public Accounts Committee of the old Legislative Council, to meet them from revenue as they arise. We are satisfied that

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this practice is sound and, in normal circumstances, not unduly conservative. But circumstances are now somewhat exceptional and we feel that we would not be justified in holding up urgent and desirable schemes until we have devised methods of making good the loss of revenue arising out of our prohibition policy. We are therefore meeting this expenditure for commutation of pensions in the current year from borrowings, thereby relieving the revenue account to the extent of 10.33 lakhs. The amount available for new schemes is thus increased to about 13½ lakhs.

"Our proposals for utilizing this amount will be found set out in detail on pages 150 to 161 of the Budget Memorandum. Generally speaking, we have turned down for the time being all schemes in respect of buildings and roads, as they can afford to wait better than most. We have accepted all water-supply and drainage schemes put forward by local bodies, and have made provision for the grant of subsidies for the opening of new rural dispensaries and for the employment of midwives in existing subsidised rural dispensaries, which had been under a ban continuously since 1932. We have provided for the installation of some village broadcasting receiving sets, which may serve both as a public amenity and as an instrument for adult education in rural areas.

"We have included provision for the supply of a little buttermilk to our prisoners, and have provided for a grant of 2 lakhs of rupees for assistance to the hand-spinning movement. It is difficult to overestimate the importance of the hand-spinning industry for the well-being of rural families in the dry areas of this Province. It is essential that this industry should be given some measure of assistance to enable it to be revived and to grow and become again a source of supplementary income to peasant families which according to the evidence of every one who has investigated rural problems, including the Royal Agricultural Commission, is a matter of vital and urgent necessity for the well-being of the agricultural workers of the country. Such assistance for the effective revival of a lost industry is a reasonable charge on the revenues of the Province. We have under consideration details as to the form in which this assistance shall be given, but we have no doubt that the entire amount provided will be disbursed within the year. We propose to introduce a small licence fee on all cloth dealers in the province exempting those exclusively dealing in hand-loom products. This will bring in some revenue which it is expected will cover at least a part of the grant intended for the subsidy of hand-spinning. We have however not taken credit for any amount of revenue under this head, as it is a new source that has not been estimated and worked out.

"The sum total effect of these proposals will be to leave the revenue account for the year not with a deficit, but with a small surplus of about Rs. 6,000, which just represents the Micawberian shilling my predecessor on this bench referred to when presenting the Budget for 1936-37. But we do not propose to follow Micawber's policy of cheering up on a shilling's worth of porter!

Grant for hand-spinning.

Hand-loom.

A surplus budget.

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"The total cost in the current year of schemes of new expenditure which are debitable to revenue is, as shown in Appendix IV of the Budget Memorandum, 13.71 lakhs. I may classify for the benefit of the House the distribution of this new expenditure. It works out as follows:—

|                                      | Amount. | Percentage to total. |
|--------------------------------------|---------|----------------------|
|                                      | LAKHS.  |                      |
| (1) Primary functions of Government  | 82      | 6 %                  |
| (2) Development services .. .. .     | 12.64   | 92.2 %               |
| (3) Charges common to (1) and (2) .. | 25      | 1.8 %                |

The major portion of the first item is the additional expenditure under 'Jails' on account of our decision to allow the supply of buttermilk to prisoners.

Capital expenditure.

"As regards capital expenditure, the total amount provided in the Budget for capital outlay on irrigation works, industrial development, electric schemes and civil works, inclusive of schemes of new expenditure relating to irrigation and electricity, is 162 lakhs.

Provision for loans.

"In addition to the above, as already explained, a provision of 10.33 lakhs has been included for payment of commuted value of pensions. For loans, provision has been made for 75.52 lakhs which include 37.23 lakhs for loans to cultivators, 30.56 lakhs for loans to local bodies (mostly for their capital expenditure) and 5 lakhs for loans to co-operative building and sale societies. Recoveries of loans previously advanced are estimated at 36.46 lakhs, leaving a net amount of 39.06 lakhs to be met from borrowings.

Ways and Means.

"I can now deal very briefly with the ways and means position for the current year. After taking into account the opening balance on the 1st April 1937 and the probable debits and credits under all the heads the position at the end of the year, if no loan were raised, would be an overdraft of 85.38 lakhs. But under our agreement with the Reserve Bank we have to maintain a minimum deposit of 40 lakhs with them, and we have also to provide the cash in the treasuries and sub-treasuries which may amount to a maximum of 19.15 lakhs. The Government therefore decided to float a loan of 150 lakhs, which should leave a free balance at the end of the year of about 5.47 lakhs. The amount of the loan raised is more than covered by remunerative expenditure proposed to be incurred in the form of capital works and loans to cultivators and local bodies. The House is probably already aware that the loan was heavily oversubscribed within a short time of its being opened for subscription, and will appreciate the confidence thus shown by the investing public in the financial stability of the Province. The degree of over-subscription of the Madras loan will be apparent from the fact that allotments are being made on a 30 per cent basis in respect of applications for more than Rs. 1,000. The figure is 50 per cent in the case of the United Provinces loan and 25 per cent in the case of the Punjab loan, but it

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should be remembered that the latter loan is mainly a conversion loan and allotment is made in full in respect of bonds tendered for conversion. Since the Punjab only required 15 lakhs in cash, the cash subscriptions for their loan would amount to a total of only about 60 lakhs, against about 5 crores for the Madras loan and about 2 crores for the United Provinces loan. This indicates how highly the money market rates the credit of our Province.

"This completes the survey of the Budget proposals for the current year. We have not done all that we would have liked to have done, and perhaps we have not done half of what some of our well-wishers and supporters would in their enthusiasm like us to do. But we do feel that in our limited time and with our limited resources we have made an effective start in implementing some of the major parts of our policy. As compared with the preliminary accounts of last year the increase in the provision made under Irrigation is 5½ lakhs; under Education 2½ lakhs; under Medical 4½ lakhs; under Public Health 9½ lakhs; under Agriculture 1½ lakhs, Veterinary Rs. 75,000, Co-operative Credit 2½ lakhs and Industries nearly 5 lakhs.

"Budget-making inevitably involves the striking of a balance between the pleasant privilege of spending money in new and additional ways for the well-being and prosperity of the people, and the unpleasant duty of taking money out of the pockets of the people. For after all the Government can spend only to the extent that they are able to tax, and even if schemes are financed from borrowings, borrowed money has to be repaid sometime or other. Much remains to be done, and is indeed already under the consideration of the Government, which does not come within the scope of the present Budget. The most important and perhaps the most difficult, yet the most urgent of these is the problem of how to relieve the burden of rural indebtedness without unduly straining the financial credit of the Province. The present Budget provides for the grant of Government loans for the relief of the indebtedness of ryots to the extent of 30 lakhs. The amount will be increased if necessary, but we wish to evolve a way of tackling the problem on more wholesale lines and provide for more effective relief.

"92% of the total population of our province live outside municipal towns. The problem of an adequate drinking water-supply for these people is still to be solved. Foremost among the things that the school of public service which the present Government represents wishes to achieve, is to make pure drinking water available for the people of every village in our land. Not roads, not even literacy can possibly be a greater or more urgent need. My Hon'ble colleague in charge of Public Health hopes to issue ere long a comprehensive memorandum on the subject. But I may broadly indicate the principles on which we propose to work. There are some 50,000 villages in our province, in which some 80 lakhs of families live. If our experts adopt the urban standards to which they are accustomed we can never hope to solve this problem. We have to fix a different standard and different

Rural water-supply.



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varying types of design to suit the varying conditions of the localities in this widespread. Measures have simultaneously to be taken to prevent the source getting contaminated. Small tanks which would be located at some convenient centres provided with taps all round would adequately serve villages and we should not waste money on pipe lines in the rural area or in the smaller towns even. It is possible also to devise a method of drawing water from tanks and channels so as to ensure dependability and non-contamination all through the year.

"Government would examine the possibilities of tapping the existing municipal water-mains for providing water for the rural areas through which the mains pass. The alignment of the mains should be so worked out as to supply water to as many villages en route as may be possible without involving much extra initial cost.

"A survey would be made and data secured in respect of all the districts and a priority list setting out the exact order in which the work should be executed will be prepared on definite principles. With a definite and clear-cut priority list, not only lapses in grants would be avoided but also a predetermined progress in the programme would be achieved. The expenditure will be spread over some years and the amount which could be set apart every year will be fixed. The Government hope to make a definite start on such a programme in 1938-39. The possibility of borrowing and creating a distinct fund for rural water-supply from which money could be drawn according to requirements, thereby solving the problem of uncertainties in budgeting will also be explored. The importance of the subject induced me to dwell on this problem at some length though without a precedent in the presentation of budgets.

"When we think of the pressing needs of the Province in the matter of the supply of clean drinking water for every village, adequate drainage arrangements for all towns and better and more widespread measures for the prevention of disease and the distribution of medical relief; centres of healthy entertainment and culture in all large villages; and the establishment of suitable cottage industries throughout the land, we realize how difficult is the problem of making our limited resources go as far as possible and ensuring that every rupee is spent wisely and to the best advantage. In but about six months' time, God willing, I may be presenting to you the Budget for next year, 1938-39, and the framing of that Budget will be far from easy. We have been able to provide 13 lakhs for new expenditure this year, but on the existing basis that amount will not be available for the same purpose next year as there will be additional loss of drink revenue. There will on the contrary be an outstanding commitment of about 90 lakhs on account of the various water-supply and drainage schemes started in recent years, and if those schemes are not to be slowed down, a much larger amount will have to be provided than the 16 lakhs which appear in the current year's Budget. Even without increasing the land revenue concessions the receipts next year are likely to be more than 10 lakhs below those taken credit for this year, while there is an automatic

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growth in many of our standing charges such as the Government grant equivalent to the elementary education tax (1 lakh per annum) and teaching grants (2 lakhs per annum). We might in view of the improvement in the railway earnings, hope for a share in Imperial income-tax receipts, but obviously we should not count upon it. It is therefore clear that we must use our best endeavours to exploit new sources of revenue without adding to the burden of the poor, and to make up the balance by restricting expenditure in the various departments well below their present level wherever it is found possible to do so. We trust that whatever measures we may bring forward to secure these ends will receive the loyal and ungrudging support of all classes and communities, for it is only with that support and to the extent of that support that the Government can achieve anything.

"A loyal and efficient service is essential for the proper discharge of the duties of Government and without contentment, there can be no loyalty or efficiency. The Government, therefore, fully realizes the importance of maintaining proper standards of remuneration for the important services rendered by the servants of the Crown. All the same, it would be an utter failure of our duty by the people if we shirk the task, however unpleasant, of adjusting the cost of the administration to the taxable capacity of the people. It would be impossible with any sense of justice or proportion to maintain the existing ratio between the earnings of most of the people who pay the taxes and the scales of pay that we disburse for maintaining the administration. Unless the people are made to live a better life, the whole organization of Government will soon break down. In the new political conditions we are in, the very contrast of the lives of the people and those of government officials cannot last much longer without creating dangerous bitterness. Responsible government will not be possible for long under these conditions. Knowing the standard of life that 90 out of 100 people in the countryside have to live, I say what I say in all earnestness. During the year 1933 revised scales of pay were framed by the then Government for the various Provincial and Subordinate services. We consider that these revised scales are still too high and are capable of further reduction, and that new revised scales should be framed on a system of a graded cut on the present revised scales. It will be proposed that the salaries of Provincial and Subordinate services should undergo a cut graded from 2½ per cent to 30 per cent. Reduction of salaries.

"It is our desire that all persons appointed on or after the 1st April 1937 should come on the new scales and that other members of the Provincial and Subordinate services, while remaining on their own scales of pay in respect of the posts now held by them, should, on promotion to a higher service or post, enter on the new revised scale to be fixed for that service or post. We cannot reduce the salary of existing incumbents of offices without obtaining the sanction from the Secretary of State for India for which we propose to apply. The Finance Department has been asked to prepare a detailed scheme on the basis of these

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proposals and I hope that we shall be enabled to carry it out. These reductions may not yield much money but even if the cuts be only a gesture it is worth while and will help to create a new spirit of hope for a juster distribution of the burdens of the State upon the people of the land.

"The work of the Finance Department has not been simple or easy this year—what with the changes brought about by the new Constitution and a new kind of Ministers to deal with. The Finance Department of Madras has always had a well deserved reputation for the maintenance of a high standard of financial administration and adherence to the principles of financial rectitude. Even within the short period that I have had to work with this Department I have seen enough to be able to assure Members of the House that our Financial Secretary and those working with him have maintained the best traditions of their Department (cheers) and are good and able men. Their work is unpleasant to others and these watch-dogs get no thanks from other Departments. Unless we pay heed to the warnings of watch-dogs we are likely to let them develop a feeling that their objections are of no avail and that other Departments have their way always. Their enthusiasm must wane and their vigorous voice may gradually tone down into an inaudible grunt merely to satisfy an instinct. I take this opportunity to render the thanks of the Government to Mr. C. E. Jones and his officers and staff.

"With these words, Sir, I commend this Budget for the acceptance of this House." (Loud applause).

### III.—HOUSE COMMITTEE.

\* MR. PRESIDENT:—"I have to inform the House that the following six candidates were duly nominated for election to the House Committee:—

- (1) Rao Bahadur M. Ramakrishna Reddi.
- (2) Mr. J. A. Saldanha.
- (3) .. S. A. S. Rm. Ramanatham Chettiyar.
- (4) .. K. P. Mallikharjunudu.
- (5) .. R. Srinivasa Ayyangar.
- (6) .. M. Narayana Menon.

"As the number of candidates nominated for election is equal to the number of vacancies to be filled namely, six, I hereby declare them duly elected.

"In addition to the above, I nominate under rule 143 of the Madras Council Rules—

- (1) Mrs. H. S. Hensman.
- (2) Khan Bahadur T. M. Moidoo Sahib Bahadur.

to be members of the said Committee.

"The Deputy President is *ex officio* Chairman of the Committee."

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### IV.—ELECTION TO THE ANNAMALAI UNIVERSITY SENATE.

\* MR. PRESIDENT:—"I have to announce to the House that the following two candidates were duly nominated for election to the Senate of the Annamalai University:—

- (1) Mr. R. Srinivasa Ayyangar.
- (2) .. A. Rangaswami Ayyangar.

"As the number of candidates nominated for election is equal to the number of vacancies to be filled, namely, two, I hereby declare them duly elected to the Senate of the Annamalai University."

### V.—ELECTION TO THE ADVISORY COMMITTEE OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

\* MR. PRESIDENT:—"I have to announce to the House that Mr. V. V. Jogiah is the only candidate duly nominated for a seat in the Advisory Committee of the Madras and Southern Mahratta Railway; I hereby declare him duly elected."

### VI.—TIME-LIMIT FOR SPEECHES ON THE BUDGET.

\* MR. PRESIDENT:—"Hon. Members are aware that the 6th, 7th and 9th September have been allotted for the discussion of the Budget and it is usual in these discussions for a large number of Members to take part. Sub-rule (3) of rule 125 empowers me to prescribe, if I think fit, a time-limit for speeches. I do not, however, propose to exercise my power under the sub-rule as I know that it is not the intention of hon. Members to make unduly long speeches and thereby prevent other hon. Members from taking part in these general discussions. If, however, it is found in the course of the discussion that a time-limit is desirable, I shall exercise my power under sub-rule (3) of rule 125. I would also suggest that, as far as possible, the reading of manuscript speeches should be avoided."

### VII.—DISCUSSION *RE* STARRED QUESTIONS.

MR. J. A. SALDANHA:—"Mr. President, Sir, before we disperse may I draw your attention to the restriction placed with regard to answers to starred questions and bring to your notice the great inconvenience caused to the Members? While the answers to the unstarred questions are printed and given to the Members, starred questions are not so treated and the answers are given only orally. There is not enough time to understand the answers that are given orally and frame supplementary questions thereon. Now that the Prime Minister is here, I would request that this rule might be amended if possible."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. President, Sir, I do not think the House would like to be engaged on this subject for more than a minute. It has been found that a great many starred questions have been put in. Starred questions enjoy certain advantages. Unstarred questions are equally given answers but there is no special treatment for them. In the case of starred questions,



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they have to be got ready quickly, and answered, and the Government will have to be prepared for supplementary questions. The files have to be got ready. Now, if questions have to serve any purpose, it appears to me, Sir, that there should be some life in the business and if the answer is printed and distributed, it serves as an examination paper for Members to study at home and then come prepared for supplementary questions. If they are orally delivered, there is a sense of reality which creates interest and the supplementary question becomes spontaneous and relevant and not merely an ingenious development arising out of mere study. I submit therefore, Sir, that in fact, I would plead for a little more reversion in that matter, namely, that the questions too may be read by the questioner and the answer should be answered by the Government orally. Then, all Members can understand the point and the supplementary questions would arise naturally. Now, the answer at least is heard, though the question is not heard. If we print and distribute everything, what is the difference between starred and unstarred questions? The whole thing becomes dull involving elaborate preparations. Much time will have to be given by Government Members and after all, the Secretariat is not only to answer questions. They have to conduct the whole Government and the materials will have to be found from various departments. Very often, starred questions are asked for collection of statistics in regard to matters, many of which relate to dealings of the previous Government, and the whole thing will have to be assembled, tabulated and produced in shape. In such cases, the questions should never be starred at all. If we limit the starred questions to urgent and important matters of information, the hon. Members would find nothing inconvenient in the present arrangement."

\* Mr. PRESIDENT:—"All aspects of the question would receive very careful consideration and I dare say necessary arrangements will be made."

The House then adjourned to meet again at 3 p.m. on Monday, the 6th September 1937.

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

1. G.O. No. 1423, Public (Elections), dated 29th July 1937, regarding term of office of the members returned unopposed by the Ramnad General Constituency.

\* 2. Annexure to answer to Legislative Council starred question No. 8 (16).

\* 3. Annexure to answer to Legislative Council starred question No. 4 (8).

\* Laid on the table on 31st August 1937.

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#### APPENDIX I.

[Vide answer to the starred question No. 27 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on 1st September 1937, page 66 supra.]

##### Annual statement for residential Leprosy Institutions for 1936.

| Name of institution and station.                                     | Accommodation. | Results of discharge. |                |                   | Total maintenance charge. |
|----------------------------------------------------------------------|----------------|-----------------------|----------------|-------------------|---------------------------|
|                                                                      |                | Symptom free.         | Much improved. | Disease arrested. |                           |
| 1 Leper Asylum, Salur, Vizagapatam district ..                       | 115            | 2                     | ..             | ..                | RS. 14,865                |
| 2 Leper Asylum, Vizianagram, Vizagapatam district ..                 | 128            | ..                    | 12             | 2                 | 9,467                     |
| 3 Leper Asylum, Ramachandrapuram, East Godavari district ..          | 132            | 29                    | 36             | 27                | 12,114                    |
| 4 Leper Hospital, Narasapur, West Godavari district ..               | 125            | 10                    | 22             | ..                | 16,405                    |
| 5 Leper Colony, Bapatla, Guntur district ..                          | 300            | 11                    | 23             | 12                | 11,118                    |
| 6 Leper Asylum, Kodur, Cuddapah district ..                          | 35             | 5                     | 2              | 2                 | 3,014                     |
| 7 Lady Willingdon Leper Settlement, Tirumani, Chingleput district .. | 750            | 7                     | 17             | 108               | 1,53,520                  |
| 8 D.N.M. Leper Home, Vada-thorasalur, South Arcot district ..        | 140            | 42                    | 11             | 20                | 14,373                    |
| 9 Leper Hospital, Kumbakonam, Tanjore district ..                    | 279            | 2                     | 30             | 37                | 17,249                    |
| 10 Leper Asylum, Manamadurai, Ramnad district ..                     | 288            | 15                    | ..             | 37                | 35,565                    |
| 11 Leper Asylum, Chevayur—Calicut, Malabar district ..               | 224            | ..                    | 23             | 34                | 27,134                    |
| 12 Leper Asylum, Kankanady—Mangalore, South Kanara district ..       | 76             | ..                    | 19             | 8                 | 12,363                    |

#### APPENDIX II.

[Vide answer to the starred question No. 28 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on 1st September 1937, page 69 supra.]

##### Tuberculosis wards.

|    |            |                                                         |
|----|------------|---------------------------------------------------------|
| 1  | Government | Pentland Hospital, Vellore—A ward of 10 beds.           |
| 2  | Do.        | Headquarters Hospital, Bellary—A ward of 8 beds.        |
| 3  | Do.        | do. Coimbatore—A ward of 12 beds.                       |
| 4  | Do.        | do. Cuddapah—A ward of 8 beds.                          |
| 5  | Do.        | do. Cocanada—A shed of 2 beds.                          |
| 6  | Do.        | do. Guntur—A ward of 12 beds.                           |
| 7  | Do.        | do. Mangalore—A ward of 6 beds.                         |
| 8  | Do.        | do. Masulipatam—A ward of 10 beds.                      |
| 9  | Do.        | do. Kurnool—A ward of 6 beds.                           |
| 10 | Do.        | do. Madura—A ward of 4 beds.                            |
| 11 | Do.        | do. Calicut—A ward of 20 beds.                          |
|    | Do.        | Woman and Children Hospital, Calicut—A ward of 12 beds. |
| 12 | Do.        | Headquarters Hospital, Tanjore—A ward of 12 beds.       |
| 13 | Do.        | do. Palamcottah—A ward of 6 beds.                       |
| 14 | Do.        | do. Trichinopoly—A ward of 4 beds.                      |

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- 15 King George Hospital, Vizagapatam—A ward of 22 beds.  
 16 Government Rayapuram Hospital, Madras (cases are kept and treated in the verandas of the wards and medical sheds.)  
 17 Government General Hospital, Madras—A ward of 21 beds.  
 18 Do. Tuberculosis Hospital, Madras—Three wards of 80 beds.  
 19 Do. do. Sanatorium, Tambaram—A ward of 40 beds.  
 20 Union Mission Tuberculosis Sanatorium, Arogyavaram, near Madanapalle—A ward of 236 beds.  
 21 Visranthipuram Tuberculosis Sanatorium, Rajahmundry—A ward of 55 beds.

## APPENDIX III.

[Vide answer to the starred question No. 35 asked by Mr. L. Subba Rao at the meeting of the Legislative Council held on 1st September 1937, page 76 supra.]

Letter from the Secretary to the Government of Madras, Education and Public Health Department, to the Secretary to the Government of India, Department of Education, Health and Lands, dated the 19th May 1936, No. 511 (19-S) P.H.

[Medical education—Andhra University—Medical Degrees—Recognition by the Indian Medical Council.]

I am directed to state that three Inspectors appointed by the Medical Council of India inspected the Medical College and the King George Hospital at Vizagapatam in 1935 and that the finding of the majority was (i) that, while there were defects to be remedied, they were not serious enough to justify refusal of the recognition of the medical degrees conferred by the Andhra University, (ii) that taking everything into account, the college and the hospital were in their judgment "sufficient" and (iii) that the Local Government might reasonably be expected to realize their responsibility in carrying out the improvements suggested by the Inspectors. The third member, however, was not satisfied and as he did not feel that this Government would carry out the improvements as a matter of course, he did not recommend the recognition of the medical degrees. The Inspectors were on the whole satisfied with the final year M.B.B.S. examinations in Surgery, Medicine and Midwifery.

2. The recommendations of the Inspectors for the improvements of the college and the hospital fall under three categories, viz., (i) academic changes, (ii) employment of additional medical and non-medical staff and (iii) improvements and additions to the existing buildings including quarters for the staff, hostel and playground for the students.

As regards academic changes, I am directed to state that the proposals relating to alterations in the curriculum of studies and the method of admission of students to the course of medical studies are common to the Medical Colleges at Madras and at Vizagapatam. These proposals do not seem to materially affect the question of recognition of the medical degrees conferred by the Andhra University inasmuch as the medical degrees conferred by the University of Madras have been recognized by the Indian Medical Council although the method of admission

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and the course of studies are the same in the Medical Colleges at Madras and at Vizagapatam. The proposals of the Inspectors in this matter are, however, under the consideration of the respective University authorities and the Surgeon-General, Madras, and suitable action will be taken in due course.

3. Early in 1935 the Surgeon-General, Madras, submitted a rough programme of improvements to the Medical College and the King George Hospital at Vizagapatam, with a view to make these institutions up-to-date in the matter of staff, equipment and buildings. The improvement schemes were estimated to cost over Rs. 16 lakhs (non-recurring) and Rs. 1.50 lakhs (recurring) per annum. In June 1935 this Government decided after careful consideration that the Medical College at Vizagapatam, should be retained and that necessary improvements to the college and the King George Hospital should be carried out with a view to bring those institutions up to the required standard of efficiency. They also decided to accept generally the programme of improvements submitted by the Surgeon-General, Madras, subject to a detailed examination. Since then they have considered various schemes and have sanctioned, to begin with, the staff and equipment mentioned in the annexure to this letter. In January 1936 a supplementary grant was moved in the Madras Legislative Council for a token demand to provide for the employment of additional staff in the college and the hospital. In that connection the Council generally approved the policy of this Government in the matter of the improvement of these institutions and sanctioned the grant. The question of employing additional staff will be considered on receipt of further proposals from the Surgeon-General.

4. As regards the programme of improvements in respect of the buildings and playground required for the college and the hospital, this Government have, as already stated, generally approved the Surgeon-General's programme. They have requested the Surgeon-General to arrange for the preparation of detailed plans and estimates for the work and have informed the authorities concerned that every attempt should be made to complete the preparation of the plans and estimates at as early a date as possible. The question whether any special staff should be sanctioned for expediting the preparation of the plans and estimates is now under consideration. As soon as the plans and estimates are ready, this Government propose to take up immediately the question of providing funds for the execution of the works.

5. In the circumstances stated above, it will be observed that this Government have already taken steps to improve the efficiency of the college and the hospital and to bring them up to the required standard. The building programme will naturally take some time,—say, five or six years—to be completely carried out, but this Government will see that there is no avoidable delay in the matter and they presume that the recognition of the medical degrees of the Andhra University will not be postponed for the reason that it will take some time to complete

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the programme. This Government understand that the Medical Council of India has recognized that the building programme will take some time.

6. In the circumstances stated above, I am directed to request that His Excellency the Governor-General in Council will be pleased to direct the Medical Council of India to reconsider at its next meeting its decision as regards the recognition of the Medical degrees of the Andhra University.

*Annexure.*

| Items.                                                                                                                         | Date of sanction. | Average expenditure per annum. |    |               |        |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------------|----|---------------|--------|
|                                                                                                                                |                   | Recurring.                     |    | Non-recurring |        |
|                                                                                                                                |                   | RS.                            | A. | P.            | RS.    |
| <i>Staff sanctioned for the College.</i>                                                                                       |                   |                                |    |               |        |
| 1. Curator in Pathology .. ..                                                                                                  | 6th February 1936 | 3,536                          | 0  | 0             |        |
| Four tutors (clinical)—                                                                                                        |                   |                                |    |               |        |
| 1. Medical Registrar and tutor ..                                                                                              | Do.               | 12,586                         | 2  | 3             |        |
| 2. Surgical Registrar and tutor ..                                                                                             |                   |                                |    |               |        |
| 3. Assistant to the Anaesthetist ..                                                                                            |                   |                                |    |               |        |
| 4. Assistant to the Lecturer in Ear, Nose and Throat diseases.                                                                 |                   |                                |    |               |        |
| Two demonstrators to be held by medical graduates for Anatomy and Physiology departments ..                                    | Do.               | 2,280                          | 0  | 0             |        |
| Two demonstrators to be held by non-medical graduates for Chemistry and Physics departments.                                   | Do.               | 1,320                          | 0  | 0             |        |
| Two laboratory attendants for Chemistry and Biology departments.                                                               | Do.               | 597                            | 0  | 0             |        |
| One clerk .. .. .                                                                                                              | 30th April 1936   | 505                            | 0  | 0             |        |
| One demonstrator for Biochemistry department (non-medical graduated) .. .. .                                                   | Do.               | 660                            | 0  | 0             |        |
| Three laboratory attendants for Pathology, Bacteriology and one for Anatomy departments ..                                     | Do.               | 895                            | 8  | 0             |        |
| <i>Staff sanctioned for the hospital.</i>                                                                                      |                   |                                |    |               |        |
| One Sub-Assistant Surgeon ..                                                                                                   | 30th April 1936   | 1,340                          | 0  | 0             |        |
| Four sisters, eight nurses and 24 pupil nurses .. .. .                                                                         | Do.               | 33,466                         | 0  | 0             | 8,100  |
| Two House surgeons .. ..                                                                                                       | Do.               | 720                            | 0  | 0             |        |
| <i>Equipment for the College.</i>                                                                                              |                   |                                |    |               |        |
| Furniture for the Physiology Laboratory and Museum and dissection tables for Anatomy, Pathology and Pharmacology departments.. | 20th April 1936   | ..                             | .. | ..            | 8,000  |
| Total ..                                                                                                                       |                   | 57,906                         | 1  | 6             | 16,100 |

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## APPENDIX IV.

[Vide answer to the unstarred question No. 25 asked by Mr. S. A. S. Rm. Ramanathan Chettiyar at the meeting of the Legislative Council held on 1st September 1937, page 81 supra.]

*Annexure A.*

Statement showing the rebate paid to Government and the charges incurred on account of establishment of Official Receivers in this Presidency during the years 1926-27 to 1935-36.

| District.   | Years.     | Rebate paid to Government. |    |    | Establishment charges. |    |    |
|-------------|------------|----------------------------|----|----|------------------------|----|----|
|             |            | RS. A. P.                  |    |    | RS. A. P.              |    |    |
|             |            | RS.                        | A. | P. | RS.                    | A. | P. |
| Anantapur   | 1926-27 .. | 98                         | 8  | 0  | ..                     |    |    |
|             | 1927-28 .. | 164                        | 6  | 5  | ..                     |    |    |
|             | 1928-29 .. | 388                        | 14 | 6  | ..                     |    |    |
|             | 1929-30 .. | 689                        | 8  | 0  | 45                     | 3  | 0  |
|             | 1930-31 .. | 677                        | 8  | 6  | 530                    | 4  | 0  |
|             | 1931-32 .. | 366                        | 3  | 1  | 565                    | 15 | 0  |
|             | 1932-33 .. | 267                        | 12 | 10 | 583                    | 15 | 0  |
|             | 1933-34 .. | 495                        | 9  | 2  | 610                    | 9  | 0  |
|             | 1934-35 .. | 293                        | 7  | 9  | 631                    | 15 | 0  |
|             | 1935-36 .. | 2                          | 1  | 11 | 649                    | 15 | 0  |
| North Arcot | 1926-27 .. | ..                         | .. | .. | 572                    | 0  | 0  |
|             | 1927-28 .. | 281                        | 1  | 10 | 576                    | 0  | 0  |
|             | 1928-29 .. | 688                        | 2  | 5  | 576                    | 0  | 0  |
|             | 1929-30 .. | 104                        | 15 | 4  | 639                    | 0  | 0  |
|             | 1930-31 .. | ..                         | .. | .. | 612                    | 15 | 0  |
|             | 1931-32 .. | ..                         | .. | .. | 642                    | 12 | 0  |
|             | 1932-33 .. | 132                        | 3  | 1  | 592                    | 0  | 0  |
|             | 1933-34 .. | 400                        | 4  | 0  | 584                    | 0  | 0  |
|             | 1934-35 .. | 2                          | 4  | 8  | 621                    | 0  | 0  |
|             | 1935-36 .. | ..                         | .. | .. | 755                    | 12 | 0  |
| South Arcot | 1926-27 .. | 151                        | 8  | 7  | 576                    | 0  | 0  |
|             | 1927-28 .. | 330                        | 10 | 0  | 576                    | 0  | 0  |
|             | 1928-29 .. | 563                        | 2  | 2  | 739                    | 1  | 0  |
|             | 1929-30 .. | 666                        | 9  | 8  | 576                    | 0  | 0  |
|             | 1930-31 .. | 272                        | 7  | 3  | 657                    | 6  | 0  |
|             | 1931-32 .. | 605                        | 6  | 4  | 746                    | 0  | 0  |
|             | 1932-33 .. | 757                        | 12 | 5  | 695                    | 9  | 0  |
|             | 1933-34 .. | 1,121                      | 15 | 1  | 600                    | 0  | 0  |
|             | 1934-35 .. | 2,494                      | 4  | 4  | 600                    | 0  | 0  |
|             | 1935-36 .. | 178                        | 1  | 1  | 600                    | 0  | 0  |
| Bellary     | 1926-27 .. | 46                         | 4  | 0  | ..                     |    |    |
|             | 1927-28 .. | 1,000                      | 8  | 0  | ..                     |    |    |
|             | 1928-29 .. | 147                        | 12 | 6  | ..                     |    |    |
|             | 1929-30 .. | 96                         | 6  | 0  | 208                    | 0  | 0  |
|             | 1930-31 .. | 45                         | 3  | 0  | 541                    | 7  | 0  |
|             | 1931-32 .. | 651                        | 2  | 0  | 568                    | 4  | 0  |
|             | 1932-33 .. | ..                         | .. | .. | 595                    | 4  | 0  |
|             | 1933-34 .. | 686                        | 8  | 11 | 612                    | 0  | 0  |
|             | 1934-35 .. | 1,374                      | 15 | 9  | 615                    | 5  | 0  |
|             | 1935-36 .. | 696                        | 4  | 6  | 531                    | 9  | 0  |

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| District.             | Years.          | Rebate paid to Government. |    |    | Establishment charges. |    |    |
|-----------------------|-----------------|----------------------------|----|----|------------------------|----|----|
|                       |                 | RS.                        | A. | P. | RS.                    | A. | P. |
| Chingleput .. .. .    | 1926-27 .. .. . | 35                         | 1  | 8  | 568                    | 14 | 0  |
|                       | 1927-28 .. .. . | 619                        | 9  | 6  | 580                    | 14 | 0  |
|                       | 1928-29 .. .. . | 21                         | 5  | 0  | 592                    | 14 | 0  |
|                       | 1929-30 .. .. . | 322                        | 10 | 3  | 615                    | 14 | 0  |
|                       | 1930-31 .. .. . | 258                        | 4  | 0  | 628                    | 14 | 0  |
|                       | 1931-32 .. .. . | 246                        | 4  | 6  | 640                    | 0  | 0  |
|                       | 1932-33 .. .. . | 328                        | 13 | 3  | 648                    | 0  | 0  |
|                       | 1933-34 .. .. . | 174                        | 0  | 7  | 659                    | 0  | 0  |
|                       | 1934-35 .. .. . | ..                         | .. | .. | 644                    | 13 | 0  |
|                       | 1935-36 .. .. . | 83                         | 1  | 9  | 642                    | 0  | 0  |
|                       | 1926-27 .. .. . | 232                        | 11 | 10 | ..                     | .. | .. |
|                       | 1927-28 .. .. . | 523                        | 6  | 0  | ..                     | .. | .. |
| Chittoor .. .. .      | 1928-29 .. .. . | 226                        | 15 | 3  | ..                     | .. | .. |
|                       | 1929-30 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1930-31 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1931-32 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1932-33 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1933-34 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1934-35 .. .. . | ..                         | .. | .. | 150                    | 0  | 0  |
|                       | 1935-36 .. .. . | 31                         | 2  | 9  | 360                    | 0  | 0  |
|                       | 1926-27 .. .. . | 2,171                      | 11 | 6  | 552                    | 0  | 0  |
|                       | 1927-28 .. .. . | 2,079                      | 8  | 6  | 904                    | 0  | 0  |
|                       | 1928-29 .. .. . | 2,874                      | 9  | 9  | 808                    | 0  | 0  |
|                       | 1929-30 .. .. . | 3,520                      | 13 | 1  | 582                    | 12 | 0  |
| Coimbatore .. .. .    | 1930-31 .. .. . | 3,346                      | 8  | 10 | 1,130                  | 7  | 0  |
|                       | 1931-32 .. .. . | 3,896                      | 5  | 6  | 1,080                  | 10 | 0  |
|                       | 1932-33 .. .. . | 2,997                      | 15 | 7  | 1,036                  | 9  | 0  |
|                       | 1933-34 .. .. . | ..                         | .. | .. | 1,086                  | 7  | 0  |
|                       | 1934-35 .. .. . | 3,084                      | 8  | 6  | 1,128                  | 14 | 0  |
|                       | 1935-36 .. .. . | 3,709                      | 6  | 6  | 1,201                  | 14 | 0  |
|                       | 1926-27 .. .. . | 37                         | 4  | 0  | 520                    | 7  | 0  |
|                       | 1927-28 .. .. . | 78                         | 3  | 7  | 523                    | 5  | 0  |
|                       | 1928-29 .. .. . | 1,069                      | 8  | 6  | 535                    | 5  | 0  |
|                       | 1929-30 .. .. . | 618                        | 13 | 6  | 576                    | 0  | 0  |
|                       | 1930-31 .. .. . | 194                        | 0  | 0  | 612                    | 0  | 0  |
|                       | 1931-32 .. .. . | 1,244                      | 11 | 8  | 664                    | 0  | 0  |
| Cuddapah .. .. .      | 1932-33 .. .. . | 559                        | 2  | 3  | 670                    | 10 | 0  |
|                       | 1933-34 .. .. . | 1,031                      | 3  | 1  | 755                    | 5  | 0  |
|                       | 1934-35 .. .. . | 645                        | 5  | 2  | 768                    | 0  | 0  |
|                       | 1935-36 .. .. . | 2,063                      | 1  | 2  | 1,007                  | 1  | 0  |
|                       | 1926-27 .. .. . | 3,237                      | 0  | 0  | 573                    | 0  | 0  |
|                       | 1927-28 .. .. . | 1,036                      | 0  | 0  | 585                    | 0  | 0  |
|                       | 1928-29 .. .. . | 816                        | 12 | 9  | 597                    | 0  | 0  |
|                       | 1929-30 .. .. . | 550                        | 12 | 0  | 617                    | 3  | 0  |
|                       | 1930-31 .. .. . | 1,226                      | 2  | 6  | 637                    | 0  | 0  |
|                       | 1931-32 .. .. . | 1,138                      | 12 | 10 | 648                    | 0  | 0  |
|                       | 1932-33 .. .. . | 2,581                      | 2  | 9  | 648                    | 0  | 0  |
|                       | 1933-34 .. .. . | 899                        | 2  | 8  | 648                    | 0  | 0  |
| East Godavari .. .. . | 1934-35 .. .. . | 1,239                      | 3  | 6  | 648                    | 0  | 0  |
|                       | 1935-36 .. .. . | 2,336                      | 11 | 3  | 1,049                  | 0  | 0  |
|                       | 1926-27 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1927-28 .. .. . | 42                         | 15 | 6  | 225                    | 0  | 0  |
|                       | 1928-29 .. .. . | 26                         | 8  | 0  | 516                    | 0  | 0  |
|                       | 1929-30 .. .. . | 10                         | 0  | 0  | 504                    | 0  | 0  |
|                       | 1930-31 .. .. . | 59                         | 5  | 8  | 516                    | 0  | 0  |
|                       | 1931-32 .. .. . | 99                         | 15 | 9  | 528                    | 0  | 0  |
|                       | 1932-33 .. .. . | 700                        | 0  | 0  | 550                    | 0  | 0  |
|                       | 1933-34 .. .. . | 317                        | 12 | 10 | 563                    | 0  | 0  |
|                       | 1934-35 .. .. . | 1,328                      | 6  | 6  | 575                    | 0  | 0  |
|                       | 1935-36 .. .. . | 2,286                      | 13 | 0  | 699                    | 0  | 0  |
| West Godavari .. .. . | 1926-27 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1927-28 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1928-29 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1929-30 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1930-31 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1931-32 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1932-33 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1933-34 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1934-35 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1935-36 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1926-27 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1927-28 .. .. . | ..                         | .. | .. | ..                     | .. | .. |

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| District.             | Years.          | Rebate paid to Government. |    |    | Establishment charges. |    |    |
|-----------------------|-----------------|----------------------------|----|----|------------------------|----|----|
|                       |                 | RS.                        | A. | P. | RS.                    | A. | P. |
| Guntur .. .. .        | 1926-27 .. .. . | 1,313                      | 9  | 4  | 521                    | 0  | 0  |
|                       | 1927-28 .. .. . | 3,225                      | 14 | 3  | 533                    | 0  | 0  |
|                       | 1928-29 .. .. . | 2,587                      | 7  | 8  | 545                    | 0  | 0  |
|                       | 1929-30 .. .. . | 160                        | 5  | 0  | 585                    | 0  | 0  |
|                       | 1930-31 .. .. . | 635                        | 6  | 4  | 601                    | 5  | 0  |
|                       | 1931-32 .. .. . | 654                        | 5  | 2  | 640                    | 11 | 0  |
|                       | 1932-33 .. .. . | 2,436                      | 11 | 4  | 761                    | 3  | 0  |
|                       | 1933-34 .. .. . | 4,001                      | 7  | 10 | 741                    | 0  | 0  |
|                       | 1934-35 .. .. . | 2,205                      | 8  | 6  | 750                    | 15 | 0  |
|                       | 1935-36 .. .. . | 4,645                      | 7  | 6  | 844                    | 12 | 0  |
|                       | 1926-27 .. .. . | 1,053                      | 1  | 4  | 576                    | 0  | 0  |
|                       | 1927-28 .. .. . | 697                        | 1  | 10 | 588                    | 0  | 0  |
| South Kanara .. .. .  | 1928-29 .. .. . | 1,619                      | 8  | 6  | 600                    | 0  | 0  |
|                       | 1929-30 .. .. . | 502                        | 9  | 6  | 612                    | 0  | 0  |
|                       | 1930-31 .. .. . | 908                        | 14 | 3  | 878                    | 0  | 0  |
|                       | 1931-32 .. .. . | 6                          | 3  | 9  | 743                    | 0  | 0  |
|                       | 1932-33 .. .. . | 3,819                      | 12 | 11 | 647                    | 0  | 0  |
|                       | 1933-34 .. .. . | 787                        | 6  | 7  | 648                    | 0  | 0  |
|                       | 1934-35 .. .. . | 2,150                      | 7  | 4  | 903                    | 0  | 0  |
|                       | 1935-36 .. .. . | 909                        | 14 | 6  | 989                    | 4  | 0  |
|                       | 1926-27 .. .. . | 6,850                      | 13 | 9  | 957                    | 15 | 0  |
|                       | 1927-28 .. .. . | 25,305                     | 0  | 11 | 525                    | 8  | 0  |
|                       | 1928-29 .. .. . | 5,944                      | 8  | 0  | 537                    | 8  | 0  |
|                       | 1929-30 .. .. . | 2,198                      | 2  | 10 | 566                    | 0  | 0  |
| Kistna .. .. .        | 1930-31 .. .. . | 2,701                      | 2  | 11 | 561                    | 8  | 0  |
|                       | 1931-32 .. .. . | 61                         | 4  | 10 | 570                    | 4  | 0  |
|                       | 1932-33 .. .. . | 493                        | 12 | 9  | 573                    | 8  | 0  |
|                       | 1933-34 .. .. . | 2,745                      | 3  | 2  | 592                    | 8  | 0  |
|                       | 1934-35 .. .. . | 1,914                      | 10 | 6  | 617                    | 8  | 0  |
|                       | 1935-36 .. .. . | 1,907                      | 1  | 11 | 827                    | 9  | 0  |
|                       | 1926-27 .. .. . | ..                         | .. | .. | 357                    | 2  | 0  |
|                       | 1927-28 .. .. . | 59                         | 3  | 2  | 361                    | 6  | 0  |
|                       | 1928-29 .. .. . | 146                        | 14 | 11 | 360                    | 0  | 0  |
|                       | 1929-30 .. .. . | 146                        | 14 | 6  | 372                    | 10 | 0  |
|                       | 1930-31 .. .. . | 344                        | 2  | 3  | 383                    | 10 | 0  |
|                       | 1931-32 .. .. . | 236                        | 1  | 6  | 395                    | 10 | 0  |
| Kurnool .. .. .       | 1932-33 .. .. . | 536                        | 9  | 5  | 407                    | 10 | 0  |
|                       | 1933-34 .. .. . | 1,192                      | 2  | 7  | 539                    | 10 | 0  |
|                       | 1934-35 .. .. . | 1,214                      | 11 | 0  | 580                    | 2  | 0  |
|                       | 1935-36 .. .. . | 484                        | 0  | 7  | 587                    | 10 | 0  |
|                       | 1926-27 .. .. . | 1,297                      | 2  | 10 | 576                    | 0  | 0  |
|                       | 1927-28 .. .. . | 523                        | 8  | 2  | 588                    | 0  | 0  |
|                       | 1928-29 .. .. . | 2,321                      | 4  | 10 | 615                    | 14 | 0  |
|                       | 1929-30 .. .. . | 1,713                      | 10 | 1  | 728                    | 0  | 0  |
|                       | 1930-31 .. .. . | 652                        | 0  | 3  | 645                    | 7  | 0  |
|                       | 1931-32 .. .. . | 4,553                      | 9  | 3  | 632                    | 2  | 0  |
|                       | 1932-33 .. .. . | 2,489                      | 4  | 3  | 624                    | 0  | 0  |
|                       | 1933-34 .. .. . | 1,252                      | 15 | 1  | 624                    | 0  | 0  |
| Madura .. .. .        | 1934-35 .. .. . | 734                        | 8  | 3  | 624                    | 0  | 0  |
|                       | 1935-36 .. .. . | 716                        | 6  | 6  | 625                    | 3  | 0  |
|                       | 1926-27 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1927-28 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1928-29 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1929-30 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1930-31 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1931-32 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1932-33 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1933-34 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1934-35 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1935-36 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
| North Malabar .. .. . | 1926-27 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1927-28 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1928-29 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1929-30 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1930-31 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1931-32 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1932-33 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1933-34 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1934-35 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1935-36 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1926-27 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1927-28 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
| South Malabar .. .. . | 1928-29 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1929-30 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1930-31 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1931-32 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1932-33 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1933-34 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1934-35 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1935-36 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1926-27 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1927-28 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1928-29 .. .. . | ..                         | .. | .. | ..                     | .. | .. |
|                       | 1929-30 .. .. . | ..                         | .. | .. | ..                     | .. | .. |

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| District.            | Years.        | Rebate paid to Government. | Establishment charges. |
|----------------------|---------------|----------------------------|------------------------|
|                      |               | Rs. A. P.                  | Rs. A. P.              |
| Nellore .. .. .      | 1926-27 .. .. | .. ..                      | 519 13 0               |
|                      | 1927-28 .. .. | .. ..                      | 535 12 0               |
|                      | 1928-29 .. .. | .. ..                      | 547 12 0               |
|                      | 1929-30 .. .. | .. ..                      | 574 0 0                |
|                      | 1930-31 .. .. | .. ..                      | 674 1 0                |
|                      | 1931-32 .. .. | .. ..                      | 704 5 0                |
|                      | 1932-33 .. .. | .. ..                      | 681 11 0               |
|                      | 1933-34 .. .. | 59 11 2                    | 783 5 0                |
|                      | 1934-35 .. .. | .. ..                      | 776 14 0               |
|                      | 1935-36 .. .. | 293 9 4                    | 788 14 0               |
| Ramnad .. .. .       | 1926-27 .. .. | 262 2 10                   | 516 0 0                |
|                      | 1927-28 .. .. | 106 9 10                   | 516 0 0                |
|                      | 1928-29 .. .. | 59 9 8                     | 516 0 0                |
|                      | 1929-30 .. .. | 538 11 9                   | 628 14 0               |
|                      | 1930-31 .. .. | 91 2 0                     | 655 13 0               |
|                      | 1931-32 .. .. | .. ..                      | 769 0 0                |
|                      | 1932-33 .. .. | 1,329 7 2                  | 687 15 0               |
|                      | 1933-34 .. .. | 1,884 3 6                  | 656 10 0               |
|                      | 1934-35 .. .. | 1,920 1 9                  | 683 9 0                |
|                      | 1935-36 .. .. | 2,294 0 4                  | 712 3 0                |
| Salem .. .. .        | 1926-27 .. .. | 164 0 6                    | .. ..                  |
|                      | 1927-28 .. .. | 506 4 0                    | .. ..                  |
|                      | 1928-29 .. .. | 750 8 0                    | 222 7 0                |
|                      | 1929-30 .. .. | 273 12 0                   | 453 0 0                |
|                      | 1930-31 .. .. | 347 11 0                   | 557 13 0               |
|                      | 1931-32 .. .. | 670 8 0                    | 580 8 0                |
|                      | 1932-33 .. .. | 349 12 1                   | 598 8 0                |
|                      | 1933-34 .. .. | 330 8 3                    | 610 8 0                |
|                      | 1934-35 .. .. | 625 12 5                   | 634 8 0                |
|                      | 1935-36 .. .. | 672 1 0                    | 652 8 0                |
| East Tanjore .. .. . | 1926-27 .. .. | .. ..                      | 522 2 0                |
|                      | 1927-28 .. .. | 54 15 0                    | 533 11 0               |
|                      | 1928-29 .. .. | 163 6 4                    | 546 2 0                |
|                      | 1929-30 .. .. | 300 10 4                   | 558 2 0                |
|                      | 1930-31 .. .. | 626 5 3                    | 572 0 0                |
|                      | 1931-32 .. .. | 3,728 14 0                 | 612 14 0               |
|                      | 1932-33 .. .. | 30 8 4                     | 652 3 0                |
|                      | 1933-34 .. .. | 16 6 2                     | 753 6 0                |
|                      | 1934-35 .. .. | .. ..                      | 775 1 0                |
|                      | 1935-36 .. .. | 129 15 4                   | 794 6 0                |
| West Tanjore .. .. . | 1926-27 .. .. | 7,840 14 1                 | 1,102 12 0             |
|                      | 1927-28 .. .. | 330 12 11                  | 1,102 2 0              |
|                      | 1928-29 .. .. | 1,280 5 6                  | 1,136 9 0              |
|                      | 1929-30 .. .. | 457 13 1                   | 1,137 0 0              |
|                      | 1930-31 .. .. | 797 3 1                    | 1,303 10 0             |
|                      | 1931-32 .. .. | 506 1 8                    | 1,219 8 0              |
|                      | 1932-33 .. .. | 379 5 1                    | 1,298 8 0              |
|                      | 1933-34 .. .. | 3,206 4 9                  | 1,344 12 0             |
|                      | 1934-35 .. .. | 1,278 1 1                  | 1,383 0 0              |
|                      | 1935-36 .. .. | 335 15 2                   | 1,424 0 0              |
| Tinnevely .. .. .    | 1926-27 .. .. | 2,687 3 3                  | 575 0 0                |
|                      | 1927-28 .. .. | 737 10 9                   | 952 0 0                |
|                      | 1928-29 .. .. | 1,219 9 9                  | 818 0 0                |
|                      | 1929-30 .. .. | 1,498 10 5                 | 547 5 0                |
|                      | 1930-31 .. .. | 2,550 2 0                  | 870 4 0                |
|                      | 1931-32 .. .. | 971 6 8                    | 985 14 0               |
|                      | 1932-33 .. .. | 3,164 15 11                | 1,054 10 0             |
|                      | 1933-34 .. .. | 993 9 7                    | 1,077 3 0              |
|                      | 1934-35 .. .. | 96 3 7                     | 1,152 0 0              |
|                      | 1935-36 .. .. | 1,521 3 0                  | 1,161 13 0             |

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| District.            | Years.        | Rebate paid to Government. | Establishment charges. |
|----------------------|---------------|----------------------------|------------------------|
|                      |               | Rs. A. P.                  | Rs. A. P.              |
| Trichinopoly .. .. . | 1926-27 .. .. | 1,226 11 0                 | 577 0 0                |
|                      | 1927-28 .. .. | 2,161 8 8                  | 589 0 0                |
|                      | 1928-29 .. .. | 308 9 0                    | 601 0 0                |
|                      | 1929-30 .. .. | 82 3 2                     | 616 11 0               |
|                      | 1930-31 .. .. | 53 12 9                    | 621 9 0                |
|                      | 1931-32 .. .. | 590 3 3                    | 692 7 0                |
|                      | 1932-33 .. .. | 661 2 7                    | 594 0 0                |
|                      | 1933-34 .. .. | 944 4 11                   | 578 12 0               |
|                      | 1934-35 .. .. | 911 4 8                    | 636 9 0                |
|                      | 1935-36 .. .. | 662 8 3                    | 779 4 0                |
| Vizagapatam .. .. .  | .. ..         | .. ..                      | .. ..                  |

## Annexure B.

Statement showing the existing Official Receivers in the Presidency.

|                       |                                            |
|-----------------------|--------------------------------------------|
| Anantapur .. .. .     | M.R.Ry. C. P. Venugopal Mudaliyar Avargal. |
| North Arcot .. .. .   | P. Rangaswami Ayyangar Avargal.            |
| South Arcot .. .. .   | P. Muthayya Chetti Avargal.                |
| Bellary .. .. .       | N. Mrityunjaya Sastri Avargal.             |
| Chingleput .. .. .    | N. C. Srinivasachariyar Avargal.           |
| Chittoor .. .. .      | Rao Sahib A. Devaraja Mudaliyar Avargal.   |
| Coimbatore .. .. .    | V. Sankunni Menon Avargal.                 |
| Cuddapah .. .. .      | K. Gundu Rao Avargal.                      |
| East Godavari .. .. . | C. Atmaraman Avargal.                      |
| West Godavari .. .. . | Pakala Rama Rao Nayudu Garu.               |
| Guntur .. .. .        | Akula Sripati Rao Nayudu Garu.             |
| South Kanara .. .. .  | P. R. Ranganatha Punja Avargal.            |
| Kistna .. .. .        | Varanasi Rama Rao Garu.                    |
| Kurnool .. .. .       | S. Srinivasa Rao Garu.                     |
| Madura .. .. .        | S. Gnana Olivu Avargal.                    |
| North Malabar .. .. . | T. C. Kunhi Krishna Kurup Avargal.         |
| South Malabar .. .. . | Ekkanat Sankaran Unni Avargal.             |
| Nellore .. .. .       | Valali Rangayya Garu.                      |
| Ramnad .. .. .        | Rao Sahib R. Krishna Ayyar Avargal.        |
| Salem .. .. .         | T. L. Madhava Rao Avargal.                 |
| East Tanjore .. .. .  | M. Hamid Sultan Sahib Bahadur.             |
| West Tanjore .. .. .  | M.R.Ry. K. Balasubramania Ayyar Avargal.   |
| Tinnevely .. .. .     | L. Chellayya Pillai Avargal.               |
| Trichinopoly .. .. .  | N. P. Kalyanasundaram Mudaliyar Avargal.   |
| Vizagapatam .. .. .   | K. J. Jagannadha Rao Garu.                 |

## THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 6th September 1937.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

### I.—QUESTIONS AND ANSWERS.

#### STARRED QUESTIONS.

*Proposals, if any, for the construction of a dam across the Korayar in Tanjore district.*

\* 41 Q.—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is a proposal in the scheme of Colonel Smart to construct a dam across the Korayar at Saluvan heads;

(b) if so, what action has been taken to construct the dam;

(c) if no action has been taken, why; and

(d) if it is a fact that the West Tanjore District Board proposes to construct a bridge at this site which proposal is pending now with the Public Works Department for investigation?

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

“(b) & (c) The Cauvery Committee recommended the construction of the regulator but it was not considered necessary by local officers.

“(d) Information is not available and has been called for.”

*Unbridged rivers in South Kanara from Mangalore to Baindur.*

\* 42 Q.—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Local Administration be pleased to state—

(a) how many rivers have remained unbridged in South Kanara from Mangalore to Baindur on the Coast Road No. 22; and

(b) what steps the Government have taken to bridge all the rivers and streams, referred above?

THE HON. MR. B. GOPALA REDDI:—“(a) The Government understand that there are nine unbridged rivers on the Mangalore-Baindur Road.

“(b) In view of the prohibitive cost of bridging these rivers and in view of the fact that there is an alternative route from Mangalore to Coondapoor via Karkal and Someshwar which is fully bridged except for a small bridge over the Halady stream, the execution of

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which has already been sanctioned from the Road Development Fund, the Government do not propose to take any action at present."

RAO BAHADUR B. NARAYANASWAMI NAYUDU:—" May I know what the amount of ' prohibitive ' cost will be? "

THE HON. MR. B. GOPALA REDDI:—" It will be about Rs. 30 lakhs."

*Alleged fatal assault on an Adi-Dravida in a village near Karaikudi.*

\* 43 Q.—DIWAN BAHADUR R. SRINIVASAN: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that one Alagan, an Adi-Dravida, was beaten to death on the 15th June 1937 by certain caste-Hindus of Visalankottai village near Kallupati about nine miles from Karaikudi for singing songs describing the cruel treatment meted out to untouchables by caste-Hindus and that one of the caste-Hindus attacked Alagan with a sickle and that other Adi-Dravidas also sustained injuries; and

(b) what steps the police have taken?

THE HON. MR. C. RAJAGOPALACHARIAR:—" The Government have no information but have called for it.

" The information has since been received that persons have been arrested and the case is under prosecution for murder and other relevant sections of the Indian Penal Code."

*Investigation, if any, on the construction of a storage reservoir in the Upper Godavari.*

\* 44 Q.—MR. L. SUBBA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any investigation regarding the construction of a storage reservoir in the Upper Godavari was made by the Government in 1936-37;

(b) if so, whether the Government will place on the table the report on the investigation of the project; and

(c) whether the Government issued any order on the report and if so, whether the order of the Government will be placed on the table?

THE HON. MR. YAKUB HASAN:—" (a) Yes.

" (b) The report is lengthy and the Government consider that, apart from the waste of money and labour involved, no useful purpose would be served by printing and placing the report on the table of the House.

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" (c) The Government agreed with the Chief Engineer that the project was not worth further consideration. The Government Order without the connected reports would provide no useful information and is not therefore placed on the table of the House. But the Government have no objection to allow the hon. Member to see the Report and the Government Order."

*Silting up and forming of shoals in the supply channel from Godavari river to Vijjeswaram head sluices.*

\* 45 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the supply channel leading from the Godavari river up to Vijjeswaram head sluices is being silted up and shoals formed therein; and

(b) if so, whether the Government have taken any steps to remove the same?

THE HON. MR. YAKUB HASAN:—" (a) & (b) Government have no information but have called for a report."

MR. P. PEDDI RAJU:—" Will the Government be pleased to place the report on the table after it is received? "

THE HON. MR. YAKUB HASAN:—" We will consider the suggestion."

### UNSTARRED QUESTIONS.

*Water-supply scheme for Manjakuppam, Pudupalaiyam and Tirupapuliyur.*

27 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the water-supply scheme for Manjakuppam, Pudupalaiyam and Tirupapuliyur (Cuddalore Municipality) for which water-tax has been levied from April 1936, will be taken on hand shortly and if so, when; and

(b) when the scheme is likely to be completed and water-supply made available?

A.—(a) Detailed plans and estimates for the water-supply scheme are under preparation in the Sanitary Engineer's office and it should be possible to put the execution of the scheme on hand early in 1938-39.

(b) By the end of 1940-41.

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*Working of village panchayats and grants made to them in South Kanara district.*

28 Q.—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Local Administration be pleased to state—

(a) what the number of village panchayats established and actually working in the South Kanara district is;

(b) the amount of grants given to the village panchayats in South Kanara district; and

(c) what steps are taken to spread the system of village panchayats?

A.—(a) 157.

(b) A statement furnishing the information is given below:—

| Year.      | Roads. |    |    | Water-supply. |    |    | Teaching grant. |    |    | Building grant. |    |    | Library grant. |    |    |
|------------|--------|----|----|---------------|----|----|-----------------|----|----|-----------------|----|----|----------------|----|----|
|            | RS.    | A. | P. | RS.           | A. | P. | RS.             | A. | P. | RS.             | A. | P. | RS.            | A. | P. |
| 1934-35 .. | Nil.   |    |    | 1,723         | 4  | 0  | 12,039          | 2  | 0  | Nil.            |    |    | Nil.           |    |    |
| 1935-36 .. | 1,040  | 11 | 0  | 2,029         | 11 | 0  | 12,104          | 14 | 0  | 878             | 0  | 0  | Nil.           |    |    |
| 1936-37 .. | 2,815  | 15 | 0  | 626           | 14 | 0  | 12,347          | 15 | 0  | 005             | 0  | 0  | 1,470          | 0  | 0  |

(c) One District Panchayat Officer and one Assistant Panchayat Officer are working in the district. These officers are entrusted with the function of forming new panchayats and supervising existing ones.

*Application for loan from the Government by the Mangalore Municipality for constructing a town hall.*

29 Q.—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the municipality of Mangalore has approached the Government with a request for loan for the purpose of building a town hall; and

(b) what action have the Government taken on the request?

A.—(a) No.

(b) Does not arise.

*Collections made from sale of grass by Public Works Department in Pennar Delta.*

30 Q.—MR. L. SUBBARAMA REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the amount actually collected by the Public Works Department by sale of grass in the Pennar delta, Nellore district, during 1935-36; and

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(b) the amount spent by the Government from the amount realized by the grass sales?

A.—(a) Information is not available for grass separately.

(b) Receipts from other canal produce are credited to a revenue head "XVII. Direct Receipts" and expenditure is incurred under the head "XVII. Irrigation—Working expenses." It is not the practice to earmark the revenue from particular works for expenditure on those works.

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

#### II.—MESSAGE FROM THE ASSEMBLY RE THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF DISQUALIFICATIONS BILL.

\* MR. PRESIDENT:—"I have to announce to the House that the following message dated Chepauk, 3rd September 1937, has been received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

'In accordance with Rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Payment of Salaries and Removal of Disqualifications Bill, 1937 (L.A. Bill No. 1 of 1937) as passed by the Assembly on 1st September 1937 and signed by me, for the concurrence of the Council.'

#### III.—GENERAL DISCUSSION OF THE BUDGET FOR 1937-38.

\* MR. PRESIDENT:—"Now the Council will proceed with the general discussion of the budget."

\* MR. B. NARAYANASWAMI NAYUDU:—"Sir, with all respect to the Prime Minister, I must say I am unable to agree to the principles and programme of the budget proposals that have been submitted to this House. Naturally I should take the House with me with regard to what he calls the major change which he has enunciated in the budget and that is with regard to prohibition. The Hon. the Prime Minister has stated that the scheme of prohibition 'is not to be regarded as a mere experiment but it should be understood as a first stage' and he also stated 'Our policy is finally settled and there can be no question of withdrawal from it.' Therefore the policy of prohibition has been introduced—it has been made clear—not as a mere experiment, but as a first stage, that it is the accepted policy of the Government, and that it is going to be pushed through. I may assure the House that so far as prohibition programme is concerned, my idea is not to attack it on any ethical grounds, but the only question that ought to be discussed by this



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House is with regard to its financial implications and judging it only from that point of view I am going to speak about the prohibition programme. Many other considerations weigh with me and they will also with anybody. No doubt it may be said that we ought not to bank on the resources of poor and weak-minded people. But then, if you want to prevent the robbing of Paul, may I ask whom are you going to tax? As a matter of fact in this budget programme, 10 lakhs of rupees for meeting commutation claims have to be met from borrowings. But for the transfer of that one item to Provincial borrowing, this budget would have been called a deficit budget. In the ordinary course these commutation claims will have to be met from ordinary revenues. If hon. Members will look at the very first statement—Receipts and Disbursements, page 15, item B-XXXV—Commuted Value of Pensions—10.33 lakhs, they will find this amount of Rs. 10.33 lakhs being charged to Capital outlay. In the ordinary circumstances it ought to have been charged to Revenue. So leaving that 10.33 lakhs, the disbursements charged to revenue are shown as Rs. 1,593.67 lakhs and the revenue receipts as Rs. 1,593.73 thus leaving a small surplus of Rs. 6,000 and odd which the Hon. Prime Minister has adverted to as Micawberian shilling.

“The Hon. Minister has also adverted to the fact that our debt service charge of 87.67 lakhs which should have fallen to be met in the current year has been reduced to a figure of about 54.56 lakhs, and said that we have been fortunate enough in having a balance under this head also. This is what he says in his speech:

‘I may at this point mention the fact that the annual debt service charge of 87.67 lakhs which should have fallen to be met in the current year has been reduced to a figure of about 54.56 lakhs (the actual figure will be known only when the accounts for 1936-37 have been finally made up) as a result of the arrangement for the decentralization of balances, etc., etc.’

“Thus he points out there has been a saving of 33 and odd lakhs, because the debt service charge has been reduced from 87.67 lakhs to 54.56 lakhs. In the budget memorandum, page 137, it has been clearly stated by Mr. Jones, the Financial Secretary, thus:

‘Until 1936-37 the policy of the Madras Government was to finance the net payments on account of commuted value of pensions from current revenues as an item of ordinary recurring expenditure. But in view of the loss of revenue that will result from the Government's decision to introduce prohibition in the Salem district, it has been decided as a temporary measure and until proposals to increase revenue or to reduce expenditure in other directions can materialize, to meet the expenditure on commutation of pensions from borrowings.’

“It practically amounts to this: whether you are going to make up the money for meeting commutation claims from Provincial borrowings or not, it is really unnecessary to introduce prohibition even in regard to Salem district. And if you do so, you will have to make up a deficit of 26 lakhs of rupees (which will be the loss in excise revenue from that district) from borrowings. That is to say, the ordinary revenues are not able to sustain the prohibition programme. The only point which I wish to place before this House is this: that this House is not placed in possession of all the materials as to the sources from which this deficit is going to be made up and who are going to be taxed, if this prohibition

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programme is carried out. In the absence of any such material I say this House cannot give its moral support to such a measure. It is not really a question as to whether you are right or wrong in considering the excise revenue as a legitimate source of income, but it is really a question as to whom you are going to tax for making up that revenue. And as long as you are going to introduce prohibition without placing any materials in possession of the House as to from which source you are going to make up this deficit, I say this House cannot give its permission to introduce such a measure. That is the point which this House has to very carefully consider. While you cannot make up a deficit of 10.33 lakhs for meeting commutation claims from any other source except borrowing, how are you going to make up a deficit of 4 crores of rupees which will be the total loss in excise revenue if prohibition is introduced all over the Province? It is necessary for me to advert at this stage to the channels from which Provincial revenues are derived under the Government of India Act. Out of 16 crores of revenue that is derived in this Province, 6 crores are derived from land revenue (which I may say is nothing other than from ryots) including irrigation. Another 4 crores are contributed by those people who are called drunkards or drinkers. One crore is derived from stamps. So out of 16 crores of revenue, 10 crores are contributed both by the poor ryots as well as the drunkards. If you are going to take away 4 crores of rupees that are contributed by drunkards, what are the sources and upon whom you are going to levy tax to make up this deficit. The expenditure that has to be met from ordinary revenues are 16 crores. How are you going to meet that expenditure? That is why the Hon. Minister has suggested that we can make up that loss to some extent by a reduction of salaries of officials. But he has also acknowledged that that alone will not be sufficient to make up the loss in excise revenue, and that the savings that will be effected will be very little. Under those circumstances I ask the House ‘why not refuse to support the budget on this major charge?’ I say, before the House gives its support to this budget, it is quite necessary that it should know previously as to who are going to be hit by any additional tax and in what manner they are going to be hit. Of course this is apart from the policing which is necessary for the prohibition programme. The mere loss of revenue at the moment is so much. As I said the structure of provincial finance mainly depends on the ryot. Expectation of further increase in revenue by grants from the Imperial Government owing to increase in railway earnings has been belittled by the Hon. the Prime Minister. That source of revenue we cannot take into consideration at this moment. Therefore the only way open to you if you want to increase the expenditure or lose revenue is to find some other way of improving the ordinary revenues. The Hon. the Prime Minister cannot budget for loss of revenue under one head without indicating whom he is going to hit in order to make up the loss. Surely it is A, B and C who are going to be hit and unless the Hon. the Prime Minister tells us who that A, B and C are going to be he cannot introduce the prohibition programme costing 4 crores of rupees. If the Hon. Minister is not going to hit the ryots, if he is going to get the money from somewhere

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else, certainly it does not matter. I will be the first to shoulder the responsibility of greeting him with all enthusiasm. That is my main objection to it.

"I will now pass on to another item of the budget, that is the provision made for new schemes, and the Congress orientation which he claims to have given with regard to these new schemes. An amount of 13 lakhs and odd has been made available for distribution for works. The Hon. the Prime Minister has distributed the amount in a way which, as I shall show presently and with good reason, is not at all intended for agriculture or irrigation or for purposes connected with the ryot. Whatever else it might accomplish it will not accomplish at all the object of spending it for the ryot. Of course, it is stated in the budget speech:

'We have accepted all water-supply and drainage schemes put forward by local bodies, and have made provision for the grant of subsidies for the opening of new rural dispensaries and for the employment of midwives in existing subsidized rural dispensaries which had been under a ban continuously since 1932. We have provided for the installation of some village broadcasting receiving sets.

'Further he has said, 'We have given two lakhs of rupees to the handloom industry.' These are the main things adverted to by the Hon. the Prime Minister. I shall take each **one of these schemes** and show that they neglected the ryot almost if not entirely.

"The first thing is that in this expenditure agriculture does not receive a pie at all towards recurring expenditure. An amount of Rs. 4,000 and odd has been debited to general revenues. In the new scheme propounded by the Congress not a single pie goes towards recurring expenditure. The Hon. Minister for Agriculture cannot contradict me when I say that the only new thing is the non-recurring grant of Rs. 4,000 for practical training in agriculture for the sons of landowners. With a grant of Rs. 13 lakhs from ordinary revenues, with a capacity to impose what may be called recurring charges, the Hon. the Minister for Agriculture has not thought it necessary to get one pie for the department which deals with the mainstay of the people—agriculture. The only thing that has been budgeted for is Rs. 4,000 for giving practical training to sons of landowners in agriculture. Even that is less than what was budgeted for last year.

"I next come to irrigation which is the mainstay and the real prop of the provincial finance and the thing on which the prosperity of the ryot depends. May I ask how much is provided in the new schemes by way of recurring expenditure? I may say that not one pie has been provided for it. In a scheme the ultimate cost of which is estimated to be Rs. 34,000 there has been a grant of Rs. 8,000. That is with regard to irrigation.

"Therefore the Congress orientation with regard to this budget so far as the ryot is concerned is Rs. 4,000 to landowners, no recurring grant to irrigation except a grant of Rs. 8,000 for a scheme costing ultimately Rs. 34,000. It must not be supposed that there are no schemes for irrigation at all for the Hon. Minister to take up. The

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Detailed Budget Estimate shows that there are many schemes on the anvil which have not at all been accepted. The Hon. the Prime Minister has said:

'We have accepted all water-supply and drainage schemes put forward by local bodies, and have made provision for the grant of subsidies for the opening of new rural dispensaries.

"Of course, I need hardly tell you that local bodies include municipalities as well as district boards and it is only the amount granted to district boards that can be taken as benefiting the ryot. This part of the budget has to be scanned in order to see what has been done for district boards as distinct from municipalities. On an analysis which I have been able to make so far as time permitted, I find that there is a recurring grant of Rs. 5,800 to municipalities under the heading of Public Health, but nothing for district boards. Hon. Members will find on pages 156-157 of the Budget Memorandum the totals of the expenditure on new schemes under Public Health. The totals with regard to Medical are given on pages 154-155. Under Public Health we have got schemes for Rs. 4,42,500 and under Medical we have schemes costing Rs. 1,45,000 in non-recurring charges. Of this amount, item No. 38 deals with subsidies for new rural dispensaries and for employment of midwives in the existing subsidised rural dispensaries. It is not a recurring grant; it is merely a grant and there is nothing at all with regard to non-recurring grants. May I know why in this vast Presidency where as the Hon. the Prime Minister knows 82 per cent of the people live in the villages and so many lakhs of families live in the villages, no provision has been made for building a single rural dispensary? Passing on to Public Health let us see what are the various schemes dealt with in items 48 to 68? You will find that almost all of them are things like grants to Madras Corporation, Tuticorin Municipal Council, Trichinopoly Municipal Council, Kodaikanal Municipal Council, Bezvada Municipal Council, Tiruvannamalai Municipal Council, Srirangam Municipal Council, Erode Municipal Council, and so on and so on. Lastly we come to grants to local bodies for water-supply in rural areas. Under that head there is a non-recurring grant of Rs. 1,50,000 minus Rs. 50,000, that is, a net grant of one lakh. Thus we find that in schemes involving a total ultimate outlay of 36 lakhs of rupees and an immediate cost of Rs. 4,42,000 and odd the Hon. the Prime Minister has been able to find one lakh of rupees for grant to local bodies for water-supply in rural areas. May I ask whether 82 per cent of the population require only one lakh of rupees whereas people living in municipal areas who form only 18 per cent of the population require over three lakhs of rupees? The proportion is not at all commensurate with the requirements of the rural areas and certainly ought to have been increased. It is not Congress orientation to say 'We will give three-fourths of the money to cities and only one-fourth to rural parts.'

"We pass on from dispensaries and water-supply to the next provision which the Hon. the Prime Minister has made, namely, assistance to the handspinning movement—Rs. 2 lakhs. This comes of course under the

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heading of Industries. Either this assistance should be regarded as assistance to agricultural peasant families because it will enable them to run their farms at a profit; or it might be it is sought as a measure of reviving the handloom industry which suffers in competition with the mill industry. It is rather difficult to get at the exact idea of the Hon. Prime Minister on this point. This is what he says:

'Such assistance for the effective revival of a lost industry is a reasonable charge on the revenues of the Province.'

In another place he says:

'It is essential that this industry should be given some measure of assistance to enable it to be revived and grow and become again a source of supplementary income to peasant families.'

"If this grant of Rs. 2 lakhs is intended as a measure of assistance to peasant families to earn a supplementary income, I for one have absolutely no objection to it and I would congratulate the Hon. Prime Minister on the making of this grant. But he has not made the position clear at all. In one place he says it is a means of supplementary income to peasant families while in another place he says that it is an assistance for the effective revival of a lost industry. Sir, you cannot revive the charka against the mill; there is no doubt about it. With all respect to the Premier I may say this: you may have regard for it, you may retain it as a cult, you may retain it as an adjunct to peasant families; but in its struggle with mill products—whether you call it specious swadeshi or real swadeshi—it is bound to go down. Then I ask: Is this two lakhs of rupees meant as a measure of assistance to peasant families to earn a supplementary income or is it a measure of assistance for the revival of a lost industry? If it is the latter I refuse to support it; if it is the former I support it. A further thing about this is that this is linked with the taxation of the mill industry. It is not at all necessary to antagonize the mill industry for the protection of peasant families. The peasant is as much dependent on the mill industry for the sale of his crop as on anything else. Cotton is one of the staple products of this Presidency. If the mill industry fails and cotton prices fall the prosperity of the peasant will be affected. The mill industry is struggling with foreign competition and we are trying to make that industry stand on its own legs. In these circumstances it is not at all necessary to tax the textile industry. Leave aside the textile industry; it has got enough troubles to face with Lancashire and Japan and other parts of the world. If this grant is meant as a measure of assistance to peasant families to enable them to earn a supplementary income, let us have these two lakhs without taxing the mill industry. It is not at all necessary to do that. If we cannot, provide two lakhs in a budget of 16 crores for this purpose, it is unnecessary to deal with this matter.

"There is another matter which has been referred to by the Hon. Prime Minister and that is the supply of a little buttermilk to prisoners. Of course, the amount is not mentioned in the budget speech, but it involves a recurring charge of Rs. 80,000. It is a recurring charge. C class prisoners are persons who come and take away the property of

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the ryot, who beat and kick him. To such a class of persons the Government have provided Rs. 80,000 by way of recurring expenditure. And this has resulted in the postponement of many measures for the amelioration of the condition of the ryot. Sir, I do not mind at all giving buttermilk and even curds to prisoners. But before doing that you must give the man who provides these curds—the ryot—ample means of getting a livelihood. Therefore, Sir, so far as this part of the budget is concerned, Congress orientation has really come to mean this: buttermilk to C class prisoners; antagonizing the mill industry; grant of Rs. 2 lakhs to handspinning. Now, Sir, who is to distribute this Rs. 2 lakhs? Is this amount going to be distributed to really peasant families or is it going to be distributed to the host of workers who say, 'I have spun, I have spun.' There is absolutely nothing in the Budget speech to indicate that. Speaking on behalf of the ryots, I say there is no provision made for agriculture, absolutely no provision made for what may be called irrigation and absolutely no provision for what may be called other industries which really count in the matter. Therefore the benefit of the borrowing policy of the Government and payment of commuted value of pensions from loans does not at all go to the ryot. There is absolutely nothing accruing to the ryot.

"This is the tale with regard to what may be called the ordinary revenues. The tale is not better when we go to what is called operations from loans. Here again it is necessary to see how the Hon. Prime Minister links irrigation with the ryot. As regards capital expenditure, the total amount provided in the Budget for capital outlay on irrigation works, capital outlay on industrial development, electrical works, steel works including schemes for new expenditure relating to irrigation electricity is 162 lakhs. But when we come to examine the detailed proposals as given in the Budget Memorandum, we find that irrigation is nothing and electricity is everything. The only item relating to irrigation is given at page 161 of the Budget Memorandum and that is Rs. 3,000 out of a capital programme of 157 lakhs for irrigation and agriculture. The figures are astounding, not by reason of the amount but by reason of their insignificance. Then come schemes to be met from loans. Under the head 'Irrigation' are mentioned, extension of the Uyyakondan channel in the Trichinopoly and Tanjore districts, the total value of which is Rs. 45,000 and the Budget provides only for Rs. 3,000. That finishes the tale with regard to irrigation.

"Then we come to loans and advances, bearing interest and so on and so on, so that we have got a 51 lakhs programme in this Budget, of which 20 lakhs are to be spent this year from loans; and of the provision of 45 lakhs either for irrigation, industries, fisheries or agriculture, they have provided for an expenditure of Rs. 3,000 this year. In this connexion I may also ask hon. Members to remember that electrical schemes can as well be made to subserve what may be called agricultural interests. Has any definite provision been made for these purposes when really crores are being spent on electrical goods? This year they have provided for new extension schemes like extension of supply of power

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under the Pykara system from Virudunagar to Koilpatti; final change over of the Pykara-Coimbatore section; and the extension of the Mettur system from Kaveripakkam to Arkonam and all those things. May I ask what has been done with regard to what may be called conserving the electricity projects for the needs of the agriculturists and the poor ryots who are to pay? Of course there is nothing in this Budget which goes without touching the ryot.

"Sir, at page 135 of the Budget Memorandum, you will see that the total outlay on capital expenditure during the year 1937-38 will be 119 lakhs and the possibilities of irrigation by power pumping from bore-wells in the Ceded districts were studied and an area near Cuddapah was selected as suitable for experimental boring. Rural electrification was given continued attention in the Coimbatore district with the result that over 450 pumping sets aggregating about 3,000 horse-power are now in use. May I respectfully ask the Hon. the Prime Minister whether these electricity schemes are going to be worth anything at all to this Presidency and whether it is going to serve any useful purpose and whether the development of electricity as a hand-maid to agriculture should not be seriously studied and speeded up. I have been informed that the ordinary pumping machine for baling from bore-wells would cost about two pies, whereas electricity is manufactured at a cost of 2½ pies. I therefore leave it to the House to consider whether the ryot should not be supplied with electricity at that rate for the purpose of irrigating his lands. It must be remembered that there are certain districts which are not deltaic and which depend upon wells and rains and in their case it will certainly benefit the people if electricity is supplied from the Pykara system at such a cost.

"So far as the financing of these schemes are concerned, it will be useless to the ryot unless steps are taken to see that at least power is supplied to the ryot at a low cost to enable him to cultivate his lands at a cheaper cost. Here I wish to mention that I am not unmindful of the provision that has been made in the Budget of about 30 lakhs for payment of loans to ryots. Of course it is open to this House to refuse to pay any loan to the ryot at all and go on dealing with him as they please. You must remember that he is the person that contributes to the revenues of the province and this 30 lakhs is not what is called Congress orientation and if you want to run the province on a sound financial basis, as the Hon. Prime Minister stated, large schemes in order to relieve the agricultural indebtedness should be set on foot and this loan of 30 lakhs will not serve the purpose. Government is inelastic and more diarchic in the execution of their loan policy. They grant these loans at 5 per cent and then if they are not repaid in time, penalties and double penalties are levied or get hold of the lands and sell them outright without any opposition even from the ryots. This kind of policy on the part of the Government is useless. No doubt, they may help the ryots in tiding over their present difficulties or over a temporary crisis and thus enable them from their lands going to the decree-holder. But the real problem is how to make them repay and

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how to make the hen lay the egg which has been given you all along and which has been famished, and does it not require more nourishment in order to make it lay eggs? Having set out these things, the Hon. the Prime Minister stated at the end of the Budget speech 'We do feel that in our limited time and with our limited resources we have made an effective start in implementing some of the major parts of our policy.' I do not know whether the major part is to start prohibition from borrowing or the provision of Rs. 80,000 for buttermilk to 'C' class prisoners. I do certainly think that the two lakhs of rupees have not been granted for what may be called assistance to peasant families, but really to revive the lost industries of the province. It is not a major policy, I should think. On the other hand, it would antagonize the textile industry upon which the prosperity of the cotton growers of this Presidency depends. Further, my submission to the House is that so far as the Budget programme goes, there is no Congress orientation as regards what may be called the immediate prosperity of the ryot. I hope that at least in the next Budget which will be framed in the coming year, the interests of the ryot will be taken due care of and large programmes intended for the improvement and prosperity of the ryot will find a prominent place and that the Government will not merely tinker with the problem but provide proper amenities for relieving the villagers from the position in which they are in at the present moment. As I have stated already, the real structure of Provincial Autonomy depends upon the ryot and his prosperity depends upon fuelling him. You have got this ship of Provincial Autonomy floated on the waters of the Government of India Act, but the real question is, whose is the duty of fuelling the ship. I should think that it is the duty of the Hon. the Minister for Irrigation, Hon. the Minister for Industries and on the Hon. the Minister for Agriculture and Fisheries, and on these departments depend really the prosperity of the ryot who has to fuel the ship. If you are not going to fuel him properly, the ship will have to flounder. I may here suggest that there are three or four main things which ought to have caught the attention of the Congress Government by this time, but to which little or no attention seems to have been paid so far.

"Sir, the major product of this Presidency as we all know is rice, but it must be remembered that the real need with regard to rice is the stabilization of prices. Everybody knows that at present paddy industry is not at all paying. No farmer can thrive unless there is going to be a stabilization of prices, so that paddy may sell at least at Rs. 5 per bag of 160 measures. May I ask, what steps are proposed to be taken in regard to this in the Budget proposals?

"The next thing I wish to refer to relates to some of the paying items, for instance, oil-seeds like groundnut and castor seeds. Groundnut is grown in dry areas and it is in these areas that water difficulty is felt and here it is that the Industries department should devise some schemes in order to instal pumping machines for baling out water from wells. The first thing that the Congress Government should take

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is how to supply pumping machines to these ryots, so that they may bale out water for raising groundnut or other crops.

"I may also point out, Sir, that the provision in the Budget of Rs. 5,000 for loans to ryots for the purchase of pumping sets is not at all adequate to the needs of the whole province, especially in view of the fact that the cost of one pumping set alone comes to about Rs. 2,000. Again, Sir, in regard to the warehousing of these products I find that nothing has been done.

"Coming to the subject of tobacco, there are foreign as well as internal markets, and with regard to foreign markets, the South Indian merchants started a company in the Guntur district, but nothing has been done by the Government for nursing tobacco. Though there is a company started near Chirala which serves as a nursery for tobacco, Government did not move a little finger in regard to the growth and nourishing of this product. There is also another important crop, namely, sugarcane, and it is a very serious problem to consider. On account of the tariff problem with regard to foreign competition, there has now grown in its place inter-provincial competition. The question that has to be considered is whether in the circumstances obtaining, it will be possible for the Madras Presidency to grow cane and start sugar mills and be in a position to compete with other Provincial Governments in this fight. So far as I know there are four mills started already and they are not able to stand on their own legs. I therefore want to know what steps have been taken by the Government in order to put them on their feet. It is really a serious state of affairs. Now that the prices have fallen very low as will be seen from the fact that jaggery is selling at 2 annas per viss, the quality has become absolutely useless and nobody will be tempted to grow cane if the prices are such. If there is foreign competition and if there is inter-provincial competition, the benefit will only go to the other provinces and the earning capacity of the province as a consequence will become considerably reduced and there will certainly be a fall in the general revenues. It is therefore necessary in all these things to have courage and imagination in seeing how far we can foster our primary commodities. When such is the importance of the subject, can any one imagine how only Rs. 13,000 has been provided in the Budget for a research station for groundnut, a crop which has a turnover of about 50 lakhs every week? It seems there was a proposal to start another research station but it is understood that it has been turned down for want of funds. Again, Sir, I want to know whether the Hon. Minister for Agriculture is satisfied with the provision of Rs. 5,000 for a research station for potatoes. I find that provision has also been made for marketing schemes, livestock improvement, husbandry and every other thing, but when you go and examine the figures actually provided for them, you will find that they are paltry amounts. I hope that at least in the next year's Budget, due consideration will be paid to these various items and that the Hon. Minister will be in a position to spend several lakhs on these very important items and thus multiply the resources

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of the province and make the ryot a prosperous and happy man and take more from him and then introduce prohibition in Salem or in any other part of the Presidency. What I do submit to this Hon. House is that the only programme before the Ministry should be the rehabilitation of the ryot and until that is done, you have no business to take one pie more from him. It is really a trust and whatever may be said of the trust of England towards India, the trust of this Government with regard to the masses is absolutely undeniable and in the due discharge of that trust depends the real happiness and security of this Government. As I said before, Sir, this ship is set afloat on these waters and the fuelling of it depends upon the consideration which it receives from the departments and I do hope that the fuelling will be made in such a manner that you can expect a safe and prosperous voyage for this constitution."

\* MR. J. A. SALDANHA:—"Mr. President, Sir, with the advent 3-45  
of the Congress party at the head of the administration in this province, p.m.  
we may all rejoice and congratulate ourselves. The heart of the Congress beats in unison with the woes as well as with the joys of the people of India. The Congress is earnest in its desire to work for the people of India in a spirit of sacrifice as well as service. Our aim, even if we do not agree that all their programmes are sound, should be, I submit, to give them hearty co-operation in a similar spirit of service and sacrifice as far as possible with sound finance and policy. We hope that all the public servants of Government will be inspired with the same spirit even when cuts in their salaries are brought into force. I would make this one plea on their behalf, however, and that is that the cuts in salaries should be graduated and gradual, with 1 to 5 per cent in the first six months to raise gradually every six months to the maximum cut proposed to be imposed. I would also plead on their behalf that the pensions that would accrue to such of them as are about to retire ought not to be prejudicially affected.

"It is a pity that a motion on the *Constitutional question*, which was there in the original agenda of this House was suppressed and no reasons were asked for nor any given. I hope reasons will be given now. Many in this House feel that it is an unmerited slur on this Chamber of elders, many of whom are veteran politicians and have rendered yeomen service in the cause of the country. (Cheers.) There is yet time to make amends by giving this House an opportunity to have their say on the Constitutional question. Very few are enamoured of a Second Chamber. It is felt that it is an unnecessary luxury and a costly encumbrance."

\* MR. PRESIDENT:—"The hon. Member has to speak on the budget and not on the Second Chamber."

MR. J. A. SALDANHA:—"The opinion of the taxpayers on this Constitutional issue is that we should move for the amendment of the entire Act, in such a manner as to do away with the Second Chamber."

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\* MR. PRESIDENT:—"That question does not come within the scope of the Budget discussion."

MR. J. A. SALDANHA:—"I shall now come to my next point. (Laughter.) The *simplicity of living* adopted by the Hon. Ministers and the Parliamentary Secretaries with such *low salaries* and allowances is very edifying. It might have been carried too far (laughter) by the adoption of the jutka and the rickshaw as conveyances instead of motor cars. (Continued laughter.) Madras, among the provinces of India, is unique in that it has a unique conveyance, the jutka side by side with the rickshaw drawn by human horses. (Laughter.) What a sight it would have been to see our Ministers driving about in these wonderful conveyances of such genuinely indigenous swadeshi, made for the conveyance of such honourable burdens. (Laughter.) *Then about acoustics.* I think I can touch these matters."

MR. PRESIDENT:—"No, please." (Laughter.)

MR. J. A. SALDANHA:—"Sir, I am only referring to the necessity for making proper arrangements so that we may be heard properly. (A voice: 'House Committee.') This is not a matter for the House Committee. This is a matter concerning the expenditure of public moneys. I think they have lost sight of it. Sir, the *acoustics* of both the Chambers are defective. This must have occurred to many hon. Members as well as to visitors. It would have been better if the sessions of the Legislature were held in a huge shamiana on the Marina, preferably on the Tilak (that (laughter) with considerable economy and better results. I stress this point, because I am afraid we have overlooked that in the Budget. If, however, the present arrangements are to continue, I would urge that we adopt the use of the rostrum, which is so much in vogue in Continental Parliaments and at the Congress sessions held at different places.

"Now I desire to say a word about the procedure adopted for the answering of questions."

\* MR. PRESIDENT:—"No. That is not to be allowed at all. Questions and answers do not come under the Budget discussion."

MR. J. A. SALDANHA:—"My point, Mr. President, is this: Yesterday an explanation was given that, as a matter of economy, the answers to starred questions were not printed."

\* MR. PRESIDENT:—"If the hon. Member wishes to table an amendment to the rules, he can do so, but he cannot speak about them during the general discussion of the Budget."

MR. J. A. SALDANHA:—"I submit to your ruling, Sir."

"I refer next to the *grant for Indian orphanages* in this Budget. It is not very easy to see exactly at what rate the provision made works

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out. In reply to a question put by me I was told that the local Government has no power to reduce the grant for European and Anglo-Indian orphanages or boarding houses. What I wanted to suggest was that the disparity between Rs. 3 per head for the inmates of an Indian orphanage and Rs. 15 per head for the inmates of a European orphanage was very great and that there should not be so much disparity. Under section 83 of the Government of India Act, if the Assembly by a three-fourths majority refuses to make the grant on such conditions, it will have effect. I think here is a point which the Cabinet can urge and if necessary cross swords with the Government notwithstanding the special responsibility of the Governor to the minorities. This disparity between one low rate of Rs. 3 on the one side and the privileged rate of Rs. 15 on the other is so great that, despite their policy of *festina lente*, hastening slowly, the Congress Government should, I would urge, tackle this point early, and, in preparing their budget for 1938-39, try and remove this difference and show that the principle 'India first' deserves to be considered more than 'Great Britain first', in the administration of the country. I am sure the Congress will bear this point in mind more than any other party and enforce this principle as soon as it is politically expedient to do so.

"Now, Sir, I have to speak on certain matters which do not involve Budget grants, but with regard to which it has been usual to send notice of cut motions such as under 'Ports and Pilotage.' Since our Chamber is powerless to move cut motions (laughter), with your permission, Sir, I would refer to them on this occasion."

\* MR. PRESIDENT:—"The hon. Member may raise questions of principle on those matters, but not a detailed debate."

MR. J. A. SALDANHA:—"Sir, I am going to urge the point raised in my question relating to the *administration of our ports*, our minor ports. Sir, we have got on our Statute Book an Act called the Outports Landing and Shipping Fees Act. Under that Act, committees are appointed to various ports."

\* MR. PRESIDENT:—"Ports are the concern of the Central Government."

MR. J. A. SALDANHA:—"I am not referring to the major ports, Sir. There are certain ports administered by committees appointed by the local Government. The names of certain persons of the locality are recommended by the Collector to the local Government and they are nominated on the Committees. There is any amount of irresponsible and arbitrary extravagance in the administration of these minor ports. Those who are residents of ports will agree with me in what I say. On account of this sort of irresponsible administration of the ports, I once sent up a Bill for amending the Madras Outports Landing and Shipping Fees Act. At that time Mangalore was included as an outport. But, to take the wind out of my sail, they raised the status of the Mangalore port to that of a major port (laughter) and I was outwitted. I had to drop the Bill. (Renewed



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laughter.) Then I asked a question in the Council. I had other ports also in view such as Tellicherry, Cannanore and so on where there was a good deal of maladministration, there being no elected member on the boards. I urged on the Government in 1930 the desirability of bringing a Bill for the administration of the minor ports and they agreed to do so. But the reply given to me by the Hon. Minister the other day was that there was no such Bill at all. I shall quote the answer given by the Hon. Minister in reply to a question of mine."

\* Mr. PRESIDENT:— "That point is not relevant to the Budget."

MR. J. A. SALDANHA:— "What I say is that there was a draft Bill which has never seen the light. I expect that Government would take it up as soon as possible. Otherwise, I shall have to bring a Bill myself though it is very difficult for a private member to bring a Bill and get it passed through all the barriers of ballot and other difficulties to which a private Member's Bill is subjected.

"The next point I want to deal with is that Government might help those who would be prepared to help themselves. The policy was followed in the case of the Government Women and Children Hospital, Mangalore. This is an institution on which thousands of private money have been spent. You, Mr. President, were the first person to put a question about this hospital in 1923 and I moved further in the matter in regard to enquiry and such other cognate things. Then the Government took up this question but said that they had no money. One of the Members of the House asked the Chief Minister if the Government could meet them half way if the public raised a fund. He asked if it would be possible for the Government to provide a sum equal to the amount of private donations. The ready reply of the Hon. Minister, the Raja of Panagal, was that the Government welcomed the idea. The result of that is the splendid institution at Mangalore, a first-class hospital so much improved since its inception. But while we see that there are only six beds provided for men tuberculosis patients in the Men's Hospital, there are none in the Women's Hospital. People in South Kanara are not immune from that disease; in fact they are worse than in other districts so far as this fell disease is concerned. But the idea of mutual help has taken firm root in the South Kanara district and there are people anxious to found beds in the hospital in their names and would be glad to offer their mite towards the construction of beds for tuberculosis patients. I presume that the Hon. Minister for Public Health is not aware of the previous history of the hospital and in reply to a question of mine the other day said that Government was not prepared to give any such assurance or promise. What I say is that if the Government make up their mind to help us while we are prepared to help ourselves, they would be following the wise course of the Governments of Mysore and of Bombay. You see a number of hospitals in Mysore and Bombay which are endowed by private individuals and maintained by the Government. I think it will be a very wise step on the part of the Hon. Minister to foster the spirit of mutual help

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and co-operation. When private people step in in the place of the State and offer their money for the construction of hospitals, it will be worth while for the Government to do their bit.

"Free supply of quinine has been a subject which has been receiving the attention of Government for a long time past. You will remember, Mr. President, that you put a question in 1923 about it and I pursued it further, with more persistency perhaps, and got the then Minister Mr. Arogyaswami Mudaliyar to get the Finance Minister to allot a sum of Rs. 90,000 the first year. He promised that that amount would be raised to 4 lakhs by stages. Instead of getting four lakhs as one would have expected, we have got only a small sum of about Rs. 28,000 provided for that item in the recent Budget. I do not understand the relationship between the Government of India and the Madras Government in this regard. It is rather disappointing to see only a sum of about Rs. 28,000 provided for it in the Budgets when one feels that even Rs. 50,000 would be far from adequate to meet the needs of the masses in the malarial tracts of the province. South Kanara alone may require such a sum. Mr. President, you are well aware what effects malaria leaves upon the system, enlarged spleen, bloodlessness and the like. People do not directly die of it; but it leaves them incapacitated through organic or constitutional defects. My opinion is that it is more important to provide them with more quinine than deprive them of their toddy which has a counteracting influence on malaria. I hope that in the Budget for 1938-39 a better provision will be made for it. I hope this will not be a hope disappointed as it was when the late Mr. Arogyaswami Mudaliyar who was a Minister of a generous heart and humanitarian statesmanship and who promised to increase the amount year by year, was thrown overboard and his successors completely forgot about it. Let us hope that in this matter the Hon. Minister will take necessary steps, though it may mean his coming to grips with the heritage of the past, of omissions, indifference and neglect—wilful or not—to see that the suffering of the masses from this dreadful disease is minimised. I hope my appeal will not go in vain; on the other hand it will be responsive as I believe that the Congress Party stands for justice and humanity.

"Then I come to the question of *rural dispensaries*. My calculation is that there is one rural dispensary for every 30 villages that is to say, for every 30,000 people. Nothing more disgraceful and discreditable to our country can be imagined. I do not know if any provision has been made for increasing the number of rural dispensaries. There may be some more; but what I submit is that there ought to be many more. The Hon. Minister will find, if they visit South Kanara, or for that matter, any district that this is one of the most important things to be attended to in rural economy and uplift of the masses. It is not water alone that is of primary importance; they ought to have medicine also.

"Another thing about the dispensary is that there ought to be some provision to house a patient for a day or two in the hospital. I grant that it may not be possible to have an in-patient ward. But there

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may be a room attached to the dispensary wherein patients can be housed for a day or two. Patients are carried in carts or on cots or on a blanket with two stout sticks running along its length for long distances. It may take them four or five hours to bring the patient to the dispensary. Supposing there is no time for the patient to be taken home and there is nobody available to take the patient home, what is to be done? I have heard a doctor telling me that in such cases he used to give them accommodation in his own house. That cannot always be done. I hope, therefore, that some provision should be made in the dispensary itself for keeping the patient for a couple of days if there is need for it. I hope I am not taking too much time of the House. There might be other members who are anxious to participate in the debate."

\* MR. PRESIDENT:—"The hon. Member can continue for five minutes more."

MR. J. A. SALDANHA:—"I would like to deal with *indebtedness, industrial and agricultural*. In this connection I would like to read to the House the resolution passed by the Catholic Civic Association on 2nd August 1937.

'That this Association views with grave apprehension the serious condition of indebtedness among industrialists employing large number of labourers as well as agriculturists in this district and is of opinion that the distressed condition of the vast majority of them is due mainly to depression in trade and decline of prices of commodities, that urgent steps should be taken for giving relief to such debtors; among these steps should be included as a first measure a Moratorium of five years to all debtors.'

"I do not know how the Government will give effect to those recommendations. But I would suggest that they can amend the law in such a manner as to give the courts power to give time for the repayment of loans. Under the present Code the Court cannot give time when once the decree has been passed. May I suggest a Bill being brought forward giving power to the courts to fix the instalments in respect of a debt in whatever stage of the proceedings this request is made. Then there is the question of exorbitant rates of interest. The Debtors' Conciliation Act has served no good purpose. There ought to be some drastic measure if relief is to be real. I hope the Hon. Minister concerned will give very careful consideration to all these points and let us know what measures he is going to take to tackle this problem.

"Then there is another point, namely *prohibition*—and there are so many members who are desirous and would be able to deal with it more exhaustively, myself not being able to do it for want of time. The Catholic Association I have mentioned is of the view that it ought to support the Government's policy of total prohibition in respect of production, sale and importation of intoxicating drinks subject to the following exceptions:—

'wine for sacramental and sacrificial purposes for Catholic priests, etc.,

'lease of trees for tapping purposes for industrial objects, namely the production of sugar and vinegar and jaggery tea.'

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"But there are so many people who regard this policy of total prohibition with misgivings and are doubtful as to the soundness of the policy of depriving ourselves of the means and sources of immense wealth which will accrue to this country from the manufacture, sale and exportation of liquors as well as toddy. This is a source of wealth in all civilized countries. I view this matter from the point of view of worldly wisdom and not from the point of view of spiritual wisdom. All people are not spiritual as Mahatma Gandhi and Hon. Members of the Cabinet. This world is made of materialists who may be fools to a large extent. Whether you call it vice or virtue, drinking innoxious juices and liquors has been prevalent in India from ancient times and although many Kings, among them the latest Tipu Sultan tried their best to extirpate this drink completely, they could not succeed. I am afraid you are only robbing Peter to pay Paul in salary cuts, and borrowing and in resorting to other sources of taxation for making up the loss in excise revenue. Those people who are habituated to drinking will not stop it however much you may try. It is all Utopian. I doubt whether Indians as a body with old habits of drinking, at least 50 per cent of them, will give it up altogether so easily. In this connexion I may point out that it is a big source of wealth to the Indian revenues. While that is the case, why should you give it up? I ask why you should not make the best use of it and derive as much revenue as possible just as Scotland. We have got all the materials to prepare the best wine. We can prepare wine which could match in quality even with shiraj wine. We can derive very good revenue if we adopt such methods. So it is a matter for very serious consideration whether the Government can at once jump upon a policy of total prohibition. When the late Mr. Arogiaswami Pillai tried to introduce total prohibition, and when he came to my district many of us pointed out to him that it might be possible to stop drinking completely in South Kanara. The Hon. Minister told us that it is the accepted policy of the Government to introduce total prohibition in all the districts one after another. On the other hand when I tabled certain questions on this subject in 1930 asking whether importation and sale of foreign liquor was stopped when total prohibition had been introduced in certain taluks it was replied on behalf of the Government of the day that they had done so. But this experiment was found a failure. If with the deep spiritual cult that is being fostered almost all people can be made to stop drinking, nobody need quarrel and everybody will welcome such a change. The only question is whether people generally are earthly minded or heavenly minded. That is the only question. If they become heavenly minded and leave off drinking altogether, well and good. I wish every success to the Hon. Minister in his great endeavour to introduce total prohibition."

\* MR. SYED ABDUL WAHAB BUKHARI:—"Sir, I rise on this occasion to congratulate the Hon. Minister for having taken up the question of total prohibition in right earnest. No person is happier than I in this regard, because Islam has ordained complete abstinence



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and total prohibition. Fear has been expressed on the floor of this House that it may not be possible. I say that in Arabia and parts of Syria it has been possible to prohibit drink. Personally I have not got any fear with regard to the success of the move which the Congress Party has taken up. As a matter of fact I am fully confident with regard to the success of this move. I only suggest in this regard that alongside of prohibition in one respect, the whole Province should be taken up and a sort of propaganda by means of lantern lectures and the like may be taken up, so that people's minds may be developed on these lines, and as and when necessary if Government were to take up prohibition on a large scale, their attempts will meet with success. I hope this suggestion of mine that alongside the introduction of prohibition in one district, a scheme of propaganda throughout the Presidency would also be evolved, so that when the whole Presidency is taken up for the introduction of prohibition, it may be easily solved.

“ With regard to the amount that has been allotted for spinning and such other industries, far from having any objection whatsoever, I am very much delighted to see that ways and means have been found out to give a subsidiary income to our ryots in the Presidency. I feel that there is imperative necessity for opening new industries such as glass making, watch-making and so many other industries. We in India are accustomed to many amenities of life, from motor cars right down to needles, but we find that we are not able to make any one of these things. I submit that it is necessary that not only we pay serious attention to hand spinning, but we must also bestow very great consideration for the amelioration of several village industries. Sir, in this regard, I do realize the difficulties which the Ministry will be facing in finding funds for this purpose. However I do hope that the Hon. Minister for Industries will give my suggestion very serious consideration and make a beginning at any rate towards the starting of new industries for the sake of not only providing for the needs in our own country, but also for the sake of giving employment to people who will be thrown out of their jobs as a result of the policy of prohibition. Sir, in this regard, I wish also to make a remark with your permission that certain kinds of conveyances are really a blot on our present day civilization. My hon. Member Mr. Saldanha was referring to rickshaw-pullers. I crave the indulgence of the House in referring to this subject and would request hon. Members to consider what a slur and what a blot on our civilization it is to have these rickshaw-pullers to pull rickshaws. Sir, with your permission I wish to draw the attention of the House to another class of people, viz., people who draw hand-carts. It is really not edifying to see a hand-cart with a cart-load above its maximum capacity dragged by one or two people on the tarred roads of Madras in the heat that we live in. Now, Sir, these two things are really matters which should be taken into consideration seriously and steps taken to find out ways and means for providing these poor people with some other jobs. It is in this connexion that I want to urge that if the Province is more industrialized and new industries are launched

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upon, these poor people will find jobs. It will be more honourable for these poor people to have other jobs and their posterity will also remember us with gratitude for the help that we rendered to their forefathers.

“ Now, Sir, with regard to the question of supplying buttermilk to prisoners, I congratulate the Hon. Premier and the Cabinet for having taken some pity towards ‘C’ class prisoners. Even though they are ‘C’ class prisoners, as some hon. Members have pointed out they are also human beings and therefore I do not see any reason why they should not be afforded a little amenity of life. Buttermilk to ‘C’ class prisoners is a necessary and useful item. The only thing I would, with your permission, submit is that we need not make buttermilk as the only supply to these prisoners. I submit that as an alternative to this what I may be permitted to call ‘Gandhi Tea’ may be supplied to them. Hon. Members may be aware that there is one kind of beverage called ‘Gandhi Tea.’ I think it is made of fried and powdered wheat and it is a very healthy and cheap drink. After all some persons may not be accustomed to take buttermilk. It is only as a postulate I say that an alternative choice may be given to people in such cases.

“ In this connexion, with your permission, I would like to take this opportunity of inviting the attention of hon. Members of this House to another subject, viz., the choice of Urdu or Hindi for our boys in schools. There has been a considerable amount of talk on this subject and I do not want to take much of the time of the House in discussing this subject at any great length. Sir, I only submit that the choice may be given to the various communities. It may be that they may like a particular language. Therefore the choice should rest with them as to whether they should take Hindi or Urdu. It may not be quite proper for me to deal with this subject during the discussion of the budget, but as I have just been speaking of another choice with regard to buttermilk I thought I might also take this opportunity of referring to this broader choice, in the best interests of the country. After all, Sir, people ought to be given the liberty to choose which language they will study. Even as the Senate is the law-making authority and the executive the instrument of execution, so also the people should be given the liberty to choose the language they will study.

“ Sir, Medical and Public Health Departments have been allowed Rs. 4½ lakhs and Rs. 9½ lakhs more than what was allowed to them in the last year. But I was disappointed to find that education has been allotted only Rs. 2½ lakhs more than last year. I thought, Sir, that education was as much a nation-building department as Medical or Public Health and I had believed that the Congress Ministry to whose heart the country's good is so very near would have paid more regard to educational matters. I do not know what has weighed with them in this connexion but I would certainly request and submit that the educational aspect of the country will have to be kept more and

4-30  
p.m.

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more in the forefront of our discussion and receive maximum support and consideration. Sir, I say this, because everyone of us will realize that our country which was the bed-rock of philosophy and education is unfortunately for the present regarded as a backward country in matters of education. It is a matter of common knowledge that 95 per cent of our people are ignorant and illiterate. Therefore it behoves the Ministry and everybody concerned to give all possible help and assistance to education.

"Sir, in this connexion I beg to invite the attention of the House to the salary of the poor elementary school teachers. While many other jobs have decent salaries the poor elementary school teacher gets salaries ranging from Rs. 15 to Rs. 25 and how is he to manage a household with this small salary? The profession of teaching is no doubt considered to be a noble one, but after all the poor teachers have to live and therefore I would request the Hon. the Minister for Education to have greater interest in and consideration for the poor elementary school teachers.

"Sir, I want to invite the attention of the Hon. Minister to the Oriental Manuscripts Library of which our metropolis is proud. Speaking from personal knowledge I say that our manuscript library is one of the rarest if not in the whole world at any rate in Asia. We have got rare manuscripts on Buddhism, on Chera and Chola empires and on Arabic and Persian culture and literature. I request the Hon. Minister to give as much consideration to this aspect of our educational life in Madras as he can possibly give. There are more than thousand Arabic and Persian books together with 40,000 or 50,000 manuscripts in Sanskrit, Tamil, Telugu and Malayalam. There are a 1,000 Arabic and Persian manuscripts. But it is unfortunate and disappointing to note that there is not a single man who knows Arabic and Persian in the library to help a visitor who goes to the library in search of knowledge. It is therefore necessary that something is done in this direction also to earn the gratitude of a number of people who go there to study something in Arabic and Persian in that great and monumental library.

"Sir, I next come to the momentous question of cuts in salaries. I beg to submit that I find that cuts are proposed both for subordinate and provincial services. Sir, I am not at all against the spirit behind the idea, but certainly I am against cutting the salaries of subordinate services. After all we do not want to make all people sages. Although we would like all men to become sages, we all realize and recognize that it is a difficult matter, so that a certain minimum of salary will have to be left free. I therefore think that it will be quite reasonable to propose that the subordinate services may be left alone, especially the subordinate services in the Education Department. Of course it is left to the Ministry to tackle the question of salary cut in the other services. I say, Sir, as the Hon. Premier has rightly remarked these cuts are only a gesture towards a more equitable

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distribution of wealth and property among people in this land and the savings resulting therefrom will not be sufficient to meet our needs in several directions especially when we have launched on a scheme of prohibition. Therefore I say that along with this proposal of cutting the salaries, we should also levy a tax on capital, I mean idle capital. On the floor of the House it was just now said that unless and until somebody was taxed we could not succeed in our scheme of prohibition. I say, Sir, that capital may be taxed. Unless and until we embark on a campaign of 'tax the rich' as they did in America, I say that any amount of reduction of salaries of Ministers and others, and any number of other taxes will not enable us to make both ends meet. A day will come as we advance with our scheme of prohibition throughout the Presidency when we will be faced with a very difficult problem, for is not the excise revenue of four crores one-fourth of our whole revenues? When that one-fourth goes, we will be faced with great difficulty to find the money for the purposes of Government. Therefore I take this opportunity to suggest that people having large capital lying in banks and other places may be taxed so that the rich may be taxed for the benefit of the poor. I do realize, Sir, that this is a very difficult matter. But there are instances in past Islamic history where a tax of 2½ per cent was levied with the result that there was not a single beggar in the whole of the Islamic dominions and there were no people even to accept alms. It was such an equal distribution of wealth. I say that this can be made possible even to-day with all the difficulties that one may encounter. A 2½ per cent tax on capital may probably take us to a great extent towards the solution of our problems. Then probably it will not be necessary for my hon. Friend who just now sat down to say he was afraid that there was uncertainty about the prohibition scheme and whether the difficulties could be overcome and the scheme worked to success. These, Sir, are some of the suggestions which I have had the honour of making to this Hon. House and I thank you, Mr. President, for having given me an opportunity to do so."

\* RAO BAHADUR M. RAMAKRISHNA REDDI:—"Mr. President, Sir, before I proceed to make a few observations on the present state of our finances I propose to make one or two references with regard to the *personnel* of the Government of to-day. In the olden days, the Finance Minister held office for a period of five years. He took some time to study the problems of his department and by the time he was in a position to tackle them properly time had come for him to lay down his office, retire and leave the country. That was what has been happening all these years. Every successor has to begin not where his predecessor ended but where his predecessor also began. Thus the wisdom and the knowledge that the Finance Members gathered while in office was repeatedly lost to the country. And new Finance Members had to face the tasks of Government without a detailed knowledge of the finances of the country. But now we are having Ministers who will remain in the country permanently after their retirement and

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whose experience and knowledge will be available to the country in future. We are proud of that.

4-45 p.m. "Mr. President, I propose to congratulate my Hon. Friend, Mr. Rajagopalachariar, on his well-balanced budget. But practical agriculturist as I am, I am afraid I have to say on behalf of the agriculturists of this Province that the budget is far from satisfactory and is rather a disappointing one. Sir, it has been admitted on all hands that the bulk of the population of this province consists of agricultural classes and that they contribute a large portion of the revenues of the Government. Now, Sir, they are toiling very hard day in and day out to earn their livelihood and to pay Government assessment. But in their struggle for existence they have been rendered unfit to survive, because they have incurred debts every year in order to pay the Government assessment. It is no exaggeration when I say on the floor of this House that they are on the verge of insolvency because they are driven to the painful necessity of borrowing money every year to meet the Government assessment. Mr. President, in these days of democracy when we are supposed to have responsible Government, the Government of the people by the people and for the people, if you are not going to relieve the suffering of the poor ryots now, what on earth are you going to do. They are asked to pay almost the same assessment to the Government even now. During the period of the Interim Ministry they set apart 75 lakhs towards remission; even the Justice Ministry granted nearly 56 lakhs towards remission and now this responsible Government of which we are proud of, has given only 75 lakhs. I only request that my Hon. Friend, Mr. C. Rajagopalachari, should consider the desirability of at least giving 33½ per cent as remission and thus save the poor ryots from their present miserable and unpleasant situation. In this connexion, Mr. President, I would like to place one important question before the Prime Minister for his consideration. In the Ceded districts and Chittoor—I am afraid, I am not an authority in regard to the other districts—there is a class of land called 'Dasabandam Olavadi.' In regard to those lands, Government entered into agreements with the ryots and according to these agreements, the ryots are expected to carry out periodical repairs to the channels every year at their own cost and the Government is not expected to spend any money whatsoever towards the upkeep or maintenance of the channels. Because the ryots are spending the money out of their pockets for this purpose a remission of one-fourth or one-fifth as the case may be was permanently given to the ryots as remuneration but now during the last four or five faslis when the Government granted some general remissions to all the lands owing to bad seasons they have not taken the case of the ryots of this class of lands into their consideration. The Government have refused to grant remissions at the rate of 1 or 1½ annas per rupee with regard to these channels. There are no doubt certain channels which are called 'inams' and from which Government does not realize any assessment whatsoever, but they collect only

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the cesses in regard to these channels. I can understand the argument or reason why Government refuse to give remissions to such channels, but in the case of Dasabandam Olavadi lands it is unreasonable that agriculturists are made to pay the full amount in spite of the fact that they also like other ryots, suffered on account of bad conditions and seasons. Hence I request the Government to consider this question and investigate the reasons for which such refusals were made in the previous years and I hope that at least in the next year the Hon. the Prime Minister will take care to see that the remission is given even to this class of lands.

"Again, Mr. President, I would like to draw the attention of the Government with regard to the miserable condition of the ryots in the Ceded districts and Chittoor, where the wet lands are irrigated with the help of spring channels largely. They are dug along river-beds and these channels are closed whenever there are floods in the rivers; and even in the rainy season, the ryots have to go to river-beds and dig channels to take water to the lands as soon as the rain stops. In summer, the inadequacy of water supply is keenly felt and again the ryots have to dig channels and bring water to their lands. That is to say, during the time when there is rain and also during the time when there is no rain, the ryots in the Central districts, namely, Cuddapah, Kurnool, Bellary and Chittoor are driven to the necessity of working at the channels throughout the year. Even granting that they work hard at the channels, water-supply is not adequate with the result that they have to dig wells and bale out water from the wells with the help of bulls for the purchase of which they have to spend large amounts every year. They are not rich; most of them are paupers and when they are not able to purchase bulls, etc., for purposes of irrigation and when they are not able even to realize the amount spent on irrigation, how can they pay the Government assessment which comes to about Rs. 14 or Rs. 15 per acre. I think it is not the case in the Tanjore and Trichinopoly or Kistna districts. In the other districts they have got reservoirs from which they get water and they have no necessity to dig channels or bale out water with the help of bulls. I therefore, press upon the Government the necessity of considering this special aspect of the ryots of the Ceded districts and Chittoor and see that special concessions are given to them having regard to the present difficult problems especially with regard to irrigation facilities.

"Mr. President I would like to say here that I am in entire agreement with the Hon. the Chief Minister with regard to prohibition, but my only difference with him is in regard to question of time. I therefore urge on the Government the desirability of giving all facilities to the ryots before launching on this policy of prohibition straightaway. I am of the humble opinion that this question of drinking is largely due to two reasons, one is illiteracy and the other is want of proper medical relief for people who suffer from venereal diseases. Generally, as far as I can see, the poor people are taking

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to drink because they are advised to take toddy as a medicine. In the first instance, the person goes to a toddy shop not because he wants to take to it as a mamool, but because he thinks it gives him immediate relief from his suffering. That is my humble opinion, of course, I am open to correction. When he finds that he can get immediate relief there is an inclination on his part to go to a toddy shop daily and this in the long run becomes a habit and he becomes a big habitual drunkard. Here I would ask one question of the Government, and that is: How many medical institutions have you got in each district and are there a sufficient number of medical institutions to give relief to the rural population? Without giving proper medical relief to persons suffering from a number of diseases you want to enforce prohibition, and the result of it will only be that it will end in failure and there will be a number of murders and it will be no exaggeration when I say that the Hon. the Prime Minister will read in the papers about a number of murders and factions in the districts. I would therefore request the Government that before launching on prohibition they should see that sufficient medical relief is provided to the rural population. Sir, the other day I read in the papers that the Hon. the Minister for Public Health visited the Guntur district and I was surprised to read in the papers that when he entered a poor man's house he saw a man lying dead and there was nobody even to say whether the man was dead or alive. That is the state of affairs in villages; there is no medical relief; nobody to think of them and they are starving. But here are people who say they want prohibition without giving proper and necessary facilities. We are in entire sympathy with the movement, but what do you say with regard to the difficulties. You must give them the required facilities; first with regard to education and then medical help. You must drive illiteracy before thinking of anything else. May I know how many schools there are in each taluk and how many school-less villages there are with a population of 500 and over; and are you going to provide schools first for them? Without remedying the causes for the evils and disadvantages of drinking, if you say simply that prohibition is ordered here, are they going to abide by that order? Unless you have the sanction of the public behind it—of course there may be legal sanction—there is no use of these policies. What I would say is, before effecting these reforms, let these reforms wait for some time more; utilize the amount lost on prohibition on giving necessary irrigation facilities, providing more hospitals and schools in rural parts. Give them tuition in the right direction and after satisfying their needs, if this policy of prohibition is launched, I am sure it will be a success. Otherwise, I am afraid it will be a failure.

“Again, Mr. President, coming to the question of forests, I find that the income from forests is 47 lakhs. But, what is the amount spent on establishment? It is 40 lakhs and the savings only 7 lakhs. Sir, the other day to a question put by me, the Government was pleased to reply that they were spending large amounts on working

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plan branch, etc. What is the rate you charge from the ryot for cutting green grass? After all, grass is not of a long-standing growth and if people do not remove it, in time it will die and for that you want money from the ryots. You know they are already poor and overburdened with taxes and you do not like to give them the facilities to have fodder free of cost. Not only this, you want to sack them and get the maximum out of them. You don't allow them to cut grass and even to collect dead fuel from the forests or even allow them to take their cattle into the forests. What is it after all that you get from the forests department in return for the 40 lakhs you spend on establishment every year. Why not you give concessions to the poor ryots by way of allowing them to cut grass and collect fuel, etc., and thus allow them to lead a happy life? I want Government to consider the question of giving facilities to the ryots on these lines before giving effect to 'Prohibition.'

“Mr. President, Sir, I want to draw the attention of the Hon. the Prime Minister to the provision of Rs. 5,000 he made under contribution to libraries. Here I want to put him one question and that is, how many villages there are and how many libraries are going to get their share out of this Rs. 5,000? You have only provided Rs. 5,000 for the whole of the Presidency. Again, I think you have provided Rs. 10,000 for radio sets. How many radio sets are you going to give to all these villages with this amount. I would only request the Hon. the Prime Minister to provide the necessary amounts needed under this head, so that at least one village in each taluk gets the benefit, to start with. Now, there are a number of libraries in this Presidency and there are also a number of big villages which can make use of these libraries. It is surprising to learn that you have provided Rs. 10,000 for radio sets and Rs. 5,000 for libraries. I would urge on the Government to see that sufficient care is taken at least in the next budget and adequate provision is made under these two heads.

“Then again, Sir, I understand from the Premier's speech that there is a proposal to levy new taxes in future. I see he has not given effect to them in this budget now and he proposes to do so in future only. I would therefore suggest to the Hon. the Chief Minister to appoint a committee before he actually formulates rules in this connexion to devise a method by which new taxation can be levied in order only to relieve the ryot but not to add to his difficulties. I am afraid in making proposals for new taxation they may ignore the condition of the poor ryot who is already overburdened. I therefore urge on the Government once again to appoint a committee consisting of Members of both the Houses to see that something good is done to the ryots.

“With these few remarks, Sir, I congratulate the Hon. the Prime Minister once again on his well-balanced budget.”

The Council then adjourned to meet again the next day at 3 p.m.

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## IV—PAPERS LAID ON THE TABLE OF THE HOUSE.

\* 1. *Annexure to answer to Legislative Council Starred Question No. 27 (12).*

\* 2. *Annexure to answer to Legislative Council Starred Question No. 28 (13).*

\* 3. *Annexure to answer to Legislative Council Starred Question No. 35 (101).*

4. *The Madras Payment of Salaries and Removal of Disqualifications Bill, 1937 (Legislative Assembly Bill No. 1 of 1937) passed by the Assembly and received therefrom in the Council.*

## THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 7th September 1937.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

## I.—QUESTIONS AND ANSWERS.

## STARRED QUESTIONS

*Improvements to Ellore canal for irrigation of ayacut lands.*

\* 46 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Ellore canal is drawing the necessary quantity of water to irrigate all the ayacut lands; and

(b) whether the Government intend to take urgent remedial measures to improve the same?

THE HON. MR. YAKUB HASAN:—“(a) & (b) Government have no information but have called for a report.”

*Submission of budgets and administration reports by panchayat boards in West Godavari district.*

\* 47 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Local Administration be pleased to state—

(a) how many and which village panchayat boards in West Godavari district have not submitted their budgets for the current year till now;

(b) what action the Government have taken in respect of such panchayats;

(c) how many panchayat boards in the said district have not submitted their administration reports for the years 1934–35, 1935–36 and 1936–37 till now; and

(d) the names of the village panchayat boards in the said district which are served with notice of supersession and with notice of removal of their presidents with the dates of such notices?

THE HON. MR. B. GOPALA REDDI:—“(a) to (c) Detailed budgets and administration reports of panchayat boards are not received by Government. Only abstracts of the budgets and a consolidated report of all panchayats are received from the district board.

“(d) The power to supersede a panchayat board or to remove its president has been delegated to the Inspector of Local Boards and Municipal Councils. The required information has been called for.”

\* Laid on the table on 1st September 1937.

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MR. P. PEDDI RAJU:—“ So far as the answer to clauses (a) to (c) is concerned, it is said that a consolidated report of all panchayats is received from the district board. But I know several panchayat boards have not been sending their budgets for years together. That is why I want to know from the Government as to which village panchayat boards in West Godavari district have not submitted their budgets for the current year? ”

THE HON. MR. B. GOPALA REDDI:—“ The required information has been called for, as stated in the answer itself.”

*Motor lorry traffic in the City.*

\* 48 Q.—MR. K. VENKATASWAMI NAYUDU: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the number of motor lorries daily leaving Madras City limits and the approximate time (day or night) when the largest number of them leave Madras;

(b) if the information is not available whether the Government will collect the information and place the same on the table of the House;

(c) whether any speed limit is prescribed for motor lorries plying in and out of the City limits;

(d) whether it is a fact that most of these lorries leave the City during nights;

(e) the number of accidents on the trunk roads in Chingleput district and the chief reasons for such accidents;

(f) the classes into which these lorries are divided and number of lorries running in each class; and

(g) whether there is any agency to see to the proper classification, load, speed and the good condition of the lorries?

THE HON. MR. K. RAMAN MENON:—“ (a) & (b) Information is not available but has been called for.

“ (c) The speed limits prescribed in rule 31 of the Madras Motor Vehicles Rules apply to lorries falling under the definition of ‘ heavy motor vehicles.’ In the case of lorries which are let or plied for hire in the city, speed limits are specified in condition 8 of the G permit issued under rule 30 of the Madras Motor Vehicles Rules. The Commissioner of Police has power to restrict the driving of motor vehicles or any class of motor vehicles in the City of Madras. The Government have called for information as to whether any speed limits have been prescribed.

“ (d) & (e) Information is not available; it has been called for.

“ (f) The hon. Member presumably refers to classification according to use.

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“ Lorries are classed as those ‘ let or plied for hire ’ and others, for the purposes of the issue of G permits under the Madras Motor Vehicles Rules; they are classed as ‘ vehicles used in the course of trade and industry for the transport or haulage of goods or materials ’ and others, for the purpose of the Madras Motor Vehicles Taxation Act. The number of lorries under those classes, so far as information is available, is as follows. The figures are for the whole province:—

|                                                                                 |     |     |     |
|---------------------------------------------------------------------------------|-----|-----|-----|
| I. Number of lorries let or plied for hire at the end of the calendar year 1936 | ... | ... | 328 |
|---------------------------------------------------------------------------------|-----|-----|-----|

(The number of lorries not plying for hire is not available.)

|                                                                                                                                                                             |     |     |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-------|
| II. Number of lorries used in the course of trade and industry for which tax under the Madras Motor Vehicles Taxation Act was paid during the quarter ending 30th June 1937 | ... | ... | 1,507 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-------|

|                                                                                                                                             |     |     |     |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|
| Number of lorries not so used for which tax under the Madras Motor Vehicles Taxation Act was paid during the quarter ending 31st March 1937 | ... | ... | 427 |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|

“ (g) The answer is in the affirmative.”

MR. K. VENKATASWAMI NAYUDU:—“ Will the Hon. Minister be pleased to get the information? ”

THE HON. MR. K. RAMAN MENON:—“ Certainly.”

*Alleged neglected condition of ponds and low-lying lands in Chetpet and measures, if any, to effect improvements to the area.*

\* 49 Q.—MR. K. VENKATASWAMI NAYUDU: Will the Hon. the Minister for Public Health be pleased to state—

(a) the reason why the ponds and low-lying lands opposite to Chetpet Railway station are left in a neglected condition;

(b) whether the Corporation of Madras have addressed the Government on the matter; and

(c) whether there are any proposals pending before the Government to make the place decent and healthy and, if so, when they will be put into execution?

THE HON. DR. T. S. S. RAJAN:—“ (a) The Government have no information but have called for a report.

“ (b) The Corporation of Madras has not addressed the Government on the matter.

“ (c) No such proposals are pending with the Government.”

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*Government publication, if any, on the indebtedness of those engaged in various industries and steps taken to afford relief to them.*

\* 50 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the Government have any publication dealing with indebtedness of owners of industries, artisans, traders and of those following other professions apart from agriculturists in this Presidency; and

(b) whether the Government have taken or are going to take steps for their relief?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) The attention of the hon. Member is invited to Chapters XV and XVI of the Report of the Indian Central Banking Enquiry Committee. The Government are not aware of any other publications on the subject.

“(b) Co-operative urban banks provide the necessary facilities for this class of people, and there were 1,063 such societies in the Presidency on 30th June 1936. Where conditions are favourable, the Registrar of Co-operative Societies will consider the question of organization of more societies of this type.”

MR. J. A. SALDANHA:—“Will the Hon. Minister be pleased to state whether the labourers that are employed in these large number of factories will be given any relief by the Government in the matter of indebtedness, if those industries come to grief?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“I do not think that question arises from this answer.”

MR. J. A. SALDANHA:—“The question is whether Government are going to take steps for the relief of the indebtedness of the labourers. I want to know what steps the Government will take?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“If the conditions are favourable, the Registrar of Co-operative Societies will organize co-operative societies.”

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

## II.—ELECTION TO THE SENATE OF THE ANDHRA UNIVERSITY.

\* MR. PRESIDENT:—“I have to announce that as a result of election held on 6th September 1937, the following hon. Members have been declared duly elected to the Senate of the Andhra University:—

- (1) Mr. N. Sankara Reddi.
- (2) „ D. Sriramamurthi.”

## III.—GENERAL DISCUSSION OF THE BUDGET FOR 1937–38.

\* MR. PRESIDENT:—“The House will now resume the general discussion of the Budget.”

\* DR. P. J. THOMAS:—“Mr. President, Sir, I must begin by saying that it was gratifying to hear the Hon. the Premier and Finance

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Minister assuring the country that he would make every effort to maintain the financial stability of the province. He has also appealed to the hon. Members of this House to help him in that effort. I for my part readily respond to that call. There is nothing more important to a Government than its financial stability. Thanks to the vigilance of the ablest Finance Department in India, this Presidency enjoys a sound financial system which is regarded with admiration by other provinces. Yesterday several hon. Members spoke with regret that adequate funds have not been provided for nation-building services. I think it is but natural in the present circumstances. We have thrown away large slices of our revenue lately; Rs. 75 lakhs has gone for the relief of the landholders. The times have been bad; we are only recovering from the effects of the depression. Even these modest grants have only been possible by drawing upon some funds provided by the Government of India and also by using borrowings for the commutation of pensions. It would perhaps be fairer to judge the present Government for their promises rather than for their achievements, because they have had only a very short period for drawing up their budget or rather for modifying the budget which had already been prepared.

“It seems to me that, at a juncture like this, three things are required. We are now changing over from an official or semi-official Government to a non-official or a popularly controlled one. On such an occasion, I should say that three things are necessary. First of all, retrenchment in the administrative machinery and rationalization of expenditure on services which have grown up during the last hundred years in a haphazard manner. By a careful examination of our administrative machinery, considerable waste can be avoided and the cost of services can be minimized. Secondly, we require plans for the economic reconstruction of the country, plans for rural uplift and plans for the industrial development of the province. We know that social utility services have not been progressing at the pace we desire; we must quicken the pace. And thirdly we must also carry out an examination of our national resources, so that we may find adequate funds for development services. These three things are to my mind necessary, and I would judge the preliminary work of the Ministers on these lines, to what extent they have begun the reconstruction work and arranged for a revision of policies?

“I shall take up retrenchment first. The new Government have tackled to some extent this issue. At any rate, they propose to make a cut in the salaries of their own servants. Apart from that, we are not told of any further scheme of retrenchment. I suppose things are being considered, but so far as we are able to judge, no comprehensive scheme of retrenchment is foreshadowed. There are two reasons *prima facie* which would justify a cut in the salaries. First of all, salaries in this country are higher than in other countries, and generally higher than can be justified by the economic condition of the people. Secondly, the slump in 1929–30 made the position of the salaried classes better-off than that of some other classes in the community. There is therefore a



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*prima facie* case for a cut in salaries. But at the same time, it must be recognized that if the salary earners have benefited by the depression, so have other classes of people, businessmen and industrialists and stock brokers. Some of them have benefited even more than salaried classes. Surely a reduction of the income of one class of earners would be invidious. Therefore, we really require progressive taxation of some kind, in order to get for the community larger slices from the income of certain classes who have lately obtained larger shares of the national dividend than before. Anyway, there is justification for a cut in the salaries of new entrants. But the same justification cannot be urged, I am afraid, for cutting the salaries of the present incumbents. People have been saying that a cut in the salaries will mean unemployment; others have been saying that it would mean depressing the standard of life. I agree these are rather flimsy grounds. But there are more cogent reasons for not touching existing salaries. To justify a cut, there must be some emergency or a general recognition that unless a cut is made in salaries, we cannot find funds for urgently needed purposes. Indeed there is need for a just distribution of incomes, but this must be carried out in a more comprehensive manner. The cut is suggested rather as a gesture, and not as a means of finding funds for much-needed expenditure. I doubt the wisdom of such a step in the present circumstances, and I submit, Sir, that a general scheme of retrenchment must be devised and that the cut in salaries must be a part of that.

3-15  
p.m.

"Sir Geoffrey Bracken, presenting the Budget for 1936-37, said:

'I think, in future, the Budget problem will have to be approached from a somewhat new angle by the new Government. They will have, I think, first to consider what expenditure is really necessary, and then adjust taxation accordingly, either by increasing or decreasing taxation or substituting one tax for another. That really is what happens in England and I think will probably happen here.'

"A thorough examination of the administrative machinery in England was made, soon after the War, by a committee under the chairmanship of Lord Haldane. They proposed steps for the rationalization of expenditure and their suggestions have largely been given effect to. It is no use tinkering with the problem of retrenchment. We must face it squarely and carry out retrenchment bravely.

"As for plans of rural and industrial development, I must say that we have not before us any comprehensive scheme. The country has been expecting from the new Government a statement of policy in this matter. No doubt, two important proposals for immediate action have been placed before us by the Hon. the Finance Minister, namely, the redemption of rural debt, and the supply of drinking water in rural areas. These two are most commendable schemes and I am sure that if they are carried out they would give a great impetus to rural development; they would form the beginning of a programme of reconstruction. But, what some of us are very anxious to know is about the financial side of these two schemes. How, for instance, are the Government going to find the funds for water-supply schemes? Is it by borrowing or is the money to

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be found from current revenues? In regard to the question of rural debt redemption, what part is Government going to play? Is Government going to stand between the borrower and the lender in some manner? If so, what would be the nature of the responsibility? Would it be possible without straining the credit of Government? If Government is proposing to have a clean sweep, what provision are they making for the provision of rural credit for the future? It appears to me that, in any case, Government will have to take up in future a larger responsibility for rural credit than they had been fulfilling in the past. May I, at this stage, say that these thorny problems must be very carefully handled by Government?

"Under industrial planning, we have the grant of Rs. 2 lakhs for hand-spinning. I welcome this grant, because I believe that hand-spinning is a valuable subsidiary occupation in rural areas. I believe also that the country's future depends not only on large industries but perhaps more on small industries which provide labour to the majority of industrial workers. Even countries like Japan depend so largely on small industries. Thanks to electricity, we are now able to employ a large number of persons in small industries. But the grant is rather inadequate for the purpose.

"It is proposed to raise a licence-fee on vendors of cloth other than hand-loom products. That would be welcome provided it would be effective either in protecting the hand-weaving industry or in producing revenue. But I fear it may not serve either end. The licence-fee proposed is much too small for revenue purposes, and it is rather ineffective in giving any tangible protection to hand-spinning. If we must protect hand-spinning and weaving, we have to give a substantial help to them. A turn-over tax would be more effective; I would rather support a general sale-tax on all goods except food-grains and other prime necessities.

"In order to devise suitable rural and industrial programmes, we must have accurate knowledge about the economic conditions of the country. We need statistics of rural incomes and standard of living. For this purpose, we must carry out a survey of rural and urban conditions. Not only will this provide details for making plans; it will also enable us to measure future progress accurately. I hope that this subject will be taken up by the Provincial Economic Council which, I hope, is still alive.

"I now come to the subject of financial reconstruction. At the outset it must be said that we are face to face with a very serious problem—the inevitable loss of a revenue of Rs. 4 crores, being a fourth of our total revenue. On the question of prohibition, I must speak with some trepidation of heart. I have only the highest praise for the motives of those who have brought forward this bold scheme. It is meant for the moral as well as economic improvement of our poorer brethren, and we must all give it our support. But when I come to the practical side of it, I could see many difficulties. It would be extremely difficult to cure the drinking habit of people. Drink has



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always existed in India and revenues have also been raised on it from time immemorial. Unless coercion of the most unbearable kind is resorted to, the use of toddy and arrack will go on. Behind each house there are coconut and other palm trees from which toddy can be tapped. This is not the case in other countries. I think it is easier for Government to give up the drink revenue than to make people give up drink. The case of opium revenue is in point. Before 1910, the Government of India used to obtain a revenue of about 8 crores from opium. Subsequently, out of a humanitarian motive, the Government decided to curtail exports. It was thought that the Chinese would give up the opium habit when we stopped exporting opium. But this expectation has not been fulfilled. We have lost nearly all our opium revenue, but China is still consuming opium and also producing it. In the same way, we may easily give up drink revenue, but we may not be able to root out the drink evil, unless more drastic remedies are tried.

“What are the classes of people most addicted to drink? According to family budgets collected in Madras, labourers who get secure incomes spend little on drink while those whose incomes are insufficient and employment insecure spend much on drink. There is a sharp contrast between the labourers whose employment is secure, such as those in the Perambur workshops who spend only 3 per cent of their incomes and the labourers whose income is insecure, such as harbour coolies, who spend about 23 per cent on drink. While the ordinary harbour coolies spend so much on drink, the regular employees of the Port Trust spend a much smaller proportion. Yet, both are drawn from the same castes and classes. This shows that drink is as much the result of poverty and dejection as the cause of it. It can be stopped only by tackling poverty, by raising the incomes and standard of living of the people. Employment must be made more secure and the mode of living must be changed. Education and a widespread propaganda are therefore needed, and unless we work on these lines also, along with stopping the drink revenue, I fear we will be labouring in vain.

“If the country is decided on prohibition, we have immediately to consider the means of making good the loss of revenue resulting from prohibition. It is not clear in how many years the Government are going to carry out prohibition. One of the Hon. Ministers is reported to have stated that within three years the presidency will be made ‘dry.’ If this is true, it is high time that we looked for alternative sources of taxation, which could be soon tapped. Under the Government of India Act, 1935, the Federal Government could raise certain taxes, whose proceeds will be distributed to the Provinces. They are (1) succession duties (other than those on agricultural land), (2) terminal taxes on railways and (3) certain stamp duties. Succession duties will have to face many difficulties connected with Hindu Law and usage; terminal taxes on goods and passengers would mean probably worse competition between the railway and the automobile and may lead to a reduction of railway earnings. I think it is desirable to

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impose taxes on railway fares and freights, provided this is done without weakening the railway in its competition with the automobile. This will require time. Certainly communications must bear some additional burdens and we have to devise the means.

“Then, there are certain other sources like tobacco. To my mind, this is a suitable object of taxation. We may raise revenue on tobacco, probably by effecting a monopoly of vend. Tobacco is considered by many as injurious and to tax it is just on every ground. It is surprising that, in spite of various efforts beginning from 1860, tobacco is still left untapped. I hope efforts will soon be made to raise revenue from tobacco. It ought to bring in anything up to Rs. 1 crore within a few years.

“I have already suggested a general sales tax. In several European countries, this is an important source of revenue. It is said that when the drink revenue of a district is stopped, an amount of money four times that revenue would remain in the pockets of the people. Is it not legitimate to bring a small part of it into the treasury? A sales tax would be helpful in tapping such sources. A toll on non-motor vehicles may also be levied in the districts where prohibition has been carried out.

“By all these measures, and by levying income-tax on agricultural incomes, which is quite justified although it may not bring in very much revenue, it may be possible to raise something like Rs. 2 crores. To raise Rs. 4 crores may be difficult in the immediate future. How then are we going to find funds for nation-building services? Would it not be wiser therefore to carry out prohibition by slow stages? As our resources go on increasing, we may be able to take up more and more districts for prohibition. Otherwise, it would become an extremely difficult proposition to balance our budgets.

“The problem might be tackled in another way also. If we use 3-30 the drink revenue in a carefully planned manner, it may be possible to improve the lot of the addicts and thus while the economic condition is improving, drink may diminish and along with it the revenue also. With economic improvement, other revenues must improve and total prohibition would then become easy. Every way, therefore, it would be more advisable to have a programme based upon gradualness—*festina lente*, as my hon. Friend Mr. Saldanha put it—and this would make it possible for us to keep our credit and partly carry out our object. But here again there are difficulties. Are we going to keep a cordon round the district? Sir, I fear that this problem, unless we tackle it on an All-India basis, would be extremely difficult. Of course, it would mean a grave financial crisis, but that is a different matter. In these circumstances, how are we going to find additional funds for the much-needed development services, for agriculture, for industries and so on? There is also a loud claim that land revenue must be lightened, and this may be just in some cases. Thus our plunging into a policy of prohibition would mean the putting off of many valuable reforms which the Presidency has been looking forward to.

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"Concluding therefore, Sir, I think that we are face to face with a grave financial situation in the Presidency. No doubt the present budget is balanced; but I am not so sure that the next budget will be so easily balanced if we are going headlong with the policy of prohibition. Further, we require urgently a plan for rural development. The country is asking for it and I think it has every right to ask for it, especially from the new Government, which is the strongest that the country has seen for many years. I would appeal to the new Government to spend all the available resources for a campaign against poverty. Every effort must be made to increase the incomes of the common people and to raise their standard of living. There is every justification for raising fresh taxes for this purpose. Sound finance is not keeping expenditure low, but spending increasingly on services which would raise the country's economic welfare. This is essential for social contentment as well as for economic improvement. Every aspect of our financial policy must now be reconsidered and a new policy must be devised to suit new requirements. May I therefore appeal to the Government to pause and consider and to take stock of our situation: nothing is lost and much may be gained by planning things beforehand."

\* Mr. R. SRINIVASA AYYANGAR:—"Mr. President, this is the first budget that has been submitted to this House by a Minister elected to the legislature by the representatives of the people. Hitherto the practice has been for a member of the heaven-born service to present the budget with all its defects and infirmities. Those days have since gone by. Time was when the legislature contained wholly and exclusively nominated members. That was then a consultative body. Afterwards it became a deliberative body and, now, under the new Constitution, it has become, if I may say so, a controlling body though not to the extent which we desire."

"Much criticism has been levelled against this budget. The first attack was delivered by a Member who is sitting in the seats occupied by us till recently and he fired his first shot. It was a long-range shot which, I should venture to submit, lost its aim. He saw nothing good, nothing practical, nothing beneficial, nothing helpful and nothing useful to the ryot in the budget. I must enter my most humble and at the same time emphatic protest against the remarks by the hon. Member who, I am told, hails from Masulipatam. No doubt, our outlooks differ: our view-points vary and our angle of vision is somewhat radically different. Probably that accounts for it, and I have no quarrel with him. I do not attribute to him any motive at all. At the same time his study of the budget has disclosed to him certain features which have some drawbacks. But, according to me, so far as this budget is concerned, the entire responsibility for it ought not to be placed upon the shoulders of the new Ministry. It is a budget for which the old Ministry was partly responsible, though at the same time, I must necessarily concede that the new Ministry is not prepared to divest itself of its responsibility in the matter. Within the short time at its disposal and working under some limitations, it would have been

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impossible for any Ministry to draw up a new budget altogether. So, what the new Ministry appears to have done is to give a few touches here and there to the proposals that were there, in order to give them what I may call, the Congress orientation in some particulars on broad-based and comprehensive schemes calculated to promote the welfare of the people. If you look through the budget you will find a real solicitude on the part of the new Ministry for the welfare of the people, a genuine desire to reduce the burden and incidence of taxation and in all possible directions to take steps to promote the contentment and prosperity of the masses.

"Now, my hon. Friend from Masulipatam was against prohibition, was against allotment for handspinning, and he was very sorry that nothing has been done to help the poor ryots while 80 per cent of the income has been proposed to be spent in other directions. Let me refer to the points in the order in which he alluded to them. As regards prohibition, it is not an experiment which we are going to embark upon, but it has become part and parcel of the Government policy, and, as the Congress has always stood for prohibition, it formed the main plank in its programme. There is therefore absolutely no question of going back upon it willy-nilly. Everybody is conscious of the drink evil, but when the time for action comes, they give different excuses for their inaction. That this drink evil must go seems to be the majority opinion in this country. In this land of rishis and saints, it will be possible to bring about prohibition. It may be that at the very commencement there will be some opposition. You know, Sir, and everybody knows that all measures which prove to be ultimately beneficial are resisted in the first instance. I will illustrate my meaning by a concrete example. Suppose a child is suffering from some ailment and you want to administer to it some castor oil. It runs away compelling the mother to take it back. It gives the mother repeated kicks for compelling it to take the castor oil. After the castor oil is taken, after some evacuation takes place, the child becomes quite all right and begins to thank the mother. Similarly, in the case of all beneficial and useful schemes that are adumbrated and sought to be introduced, some opposition is natural at the commencement. We must be prepared to face it. Look at the families and the children of veritable drunkards. These drunkards are responsible for a large number of cases before criminal courts such as rioting, murder, assaults and other allied offences. The drinking habit is an evil and we must somehow or other try to wean the man from it. The very effective way will be by compulsion. There are certain matters which we cannot leave to the judgment of the individual. For the sake of society we have sometimes to apply certain restraints upon individual liberty and individual freedom. Suppose a man says: 'This is my body. I will dispose of it in whatever way I like. I will commit suicide.' Will the penal law of the land permit him to do so? No. If a man attempts to commit suicide he is dragged before a criminal court. Therefore, for the sake of the betterment of the society, the legislature must intervene. Unless and until public

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opinion asserts itself, all the expenditure of money will be of no use. In this matter we know what the public opinion in the country is. The Hon. the Prime Minister has taken us into his confidence and told us that the gain to the country by enforcing prohibition in one district alone would be one crore of rupees. Sir, if this is so, what a transformation will take place in the country if the whole country becomes dry and how much it would contribute to the health and welfare of the people. My hon. Friend stated that he doubted the wisdom of introducing this policy of prohibition. I would ask him to keep his soul in patience and to co-operate with us and not pick holes here and there. I would implore him and also those others of his way of thinking to help us in the movement which will in the long run prove highly beneficial.

"Sir, with regard to the grant for handspinning, he said that the sum of 2 lakhs proposed for the purpose would be wasted. I am inclined to laugh at it. I am tempted to characterize this grant as a niggardly grant. I should have been glad if it had been 10 lakhs and not a mere 2 lakhs. But, Sir, having regard to the present financial position of the province, and having regard to the other ameliorative schemes which the Hon. Minister has up his sleeve, it is only right that we should now be content with this small sum.

3-45 p.m. "You may despise the Charka, but it is the Charka that is going to rule this Province. So far as the Charka is concerned, I may compare it to the Chakra of Lord Krishna which he holds in his right hand for the purpose of punishing the wicked and for bringing more happiness and contentment to the people. It is the Charka that is going to be the Queen ruling not only this province but throughout the whole of India. To attach no significance to the Charka shows an amount of indifference or ignorance of the real psychology that is underlying this question. Spinning on the Charka may be regarded as a subsidiary occupation. There are many persons who need some help. If you enable such idlers—by idlers I mean people who have no occupations and who are constrained to sit idle for want of work—to earn As. 3 per day, will it not go to the benefit of the masses? Then, my hon. Friend said 'what about rural areas; you have not allotted any substantial amount for the improvement of rural areas.' My submission is this: that so far as urban areas are concerned, cut and dry schemes have been placed before the Government and they are ready to be put into execution and as such they are entitled to claim priority and precedence over other schemes. That accounts for large grants being made to the municipal councils which applied for help. But as regards rural water-supply a whole and comprehensive scheme has to be prepared and details have to be worked out. Until that is done, no head-way could be made and that is the reason the Hon. the Chief Minister has stated in his Memorandum of Speech thus:—

'A survey would be made and data secured in respect of all the districts and a priority list setting out the exact order in which the work should be executed will be prepared on definite principles. With a definite and clear-cut priority list, not only lapses in grants would be avoided but also a predetermined progress

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in the programme would be achieved. The expenditure will be spread over some years and the amount which could be set apart every year will be fixed. The Government hope to make a definite start on such a programme in 1938-39—we are not a long way off from 1938-39—'The possibility of borrowing and creating a distinct fund for rural water-supply from which money could be drawn according to requirements, thereby solving the problem of uncertainties in budgeting will also be explored. The importance of the subject induced me to dwell on this problem at some length though without a precedent in the presentation of budgets.'

"Now, there is land revenue concession to the extent of 75 lakhs in this fasli. Can it be seriously argued that this is not a benefit to the ryots. A provision of 1 lakh of rupees for sinking wells to the Adi-Dravidas has been made. Can it be seriously stated on the floor of this House that this is not going to help the poor Adi-Dravidas? More rural dispensaries are going to be opened for the benefit of the ryots. Can it be said that the ryots are not going to be benefited? There is no use of shutting one's eyes to the main features that have characterized this budget, and saying this is a hopelessly bad budget. As regards communications and other things, I would like to draw the attention of this House to the statement that I find on page 142 of the Financial Secretary's carefully prepared Budget Memorandum. In paragraph 756, page 142 of the Memorandum, he says:—

'The Central Government placed at the disposal of this Government in 1935-36 a sum of 14 lakhs for expenditure on schemes for the economic development and improvement of rural areas in this Province.'

"And then he goes on to say—

'The Central Government have also agreed to give a further sum of 15 lakhs for rural uplift in this Province. The major portion of this grant together with the unspent balance of the grant of 1935-36 is to be allocated to the several districts on a rural population basis and the balance has been earmarked for special schemes or other purposes. The grant will be spent on schemes falling in the categories mentioned below:—

- (1) Improvement of rural water-supply.
- (2) Improvement of rural sanitation.
- (3) Encouragement and development of loan and sale co-operative societies by making free grants towards part of the cost of godowns (and for village hall cum reading room, if so desired).
- (4) Improvement of village communications including the bridging of irrigation canals and channels where there are no roads.'

"Then, Sir, the District Economic Council has been charged with certain duties as referred to above and the Council which came into existence two years ago has been functioning to the satisfaction of all concerned, though one would have expected its composition to be more non-official than official. Are not these things beneficial to the ryots? For the relief of rural indebtedness an allotment of Rs. 30 lakhs has been made. Is this not beneficial to the ryots and is that money going to be dropped in the mid ocean or the Bay of Bengal? My hon. Friend for some reason or another refrained from looking into these features and has characterized the budget as one that cannot commend itself to anybody. Moreover, Sir, the Congress orientation came in for a large measure of his criticism and he indulged in jibes and sneers at that word. To some the term 'Congress' was an anathema until

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recently. Now the Congress has come into power and many have come to realize the importance of that great national organization and of those people who are members of that organization to do service and make sacrifices for humanity at large. Then, Sir, it must be said that these Ministers have set before us a high and noble example for sacrifice by consenting to draw much reduced salary and what one hon. Member of Government was till now drawing has now been distributed among ten Members—a state of things impossible to conceive. Coming to salaries I feel bound to state that I have not the slightest doubt and it seems to be the desire of every section of the House that the Hon. the Finance Minister must take his pruning knife right through and I hope and trust he will do it.

“On looking into the Administration Report for 1935-36—the latest report that is available for us—I find that the total number of Gazetted Officers is somewhere in the neighbourhood of 1,600. Then as regards the number of Non-Gazetted Officers getting a salary of Rs. 100 and above it comes to 2,075. It is only when we go farther down we find the figures mounting up like anything. The number of people who are drawing salaries of Rs. 35 and upwards come to 21,087 and if you go still further down the scale you will find that the number of these Government servants come to about 48,000. Then there are some supernumerary officials and excrescences in the services which must be chopped off.

“Sir, within the limited time at my disposal, I do not think I can lay before the House the details or particular directions in which the knife has to be taken through. Suffice it to say that a line has to be drawn somewhere. There is much force in the observation made by some hon. Member that you should not really cut the salaries of low-paid Government servants who cannot make both ends meet even with their existing salaries. All these aspects, I feel absolutely certain, will be taken into consideration by the Hon. the Finance Minister when cutting down the salaries of Government servants. As regards the steps to be taken to find out ways and means for tackling this problem, I am absolutely certain that he will be in a position to place before us practically a comprehensive scheme. The Ministers are all capable men and there is no question of the ship of the State going to ‘founder’ as one hon. Member characterized it. They will not allow the ship of the State to founder or flounder. No Ministry on earth and no person can be expected to make brick out of sand, and much less the Congress Ministry, these Ministers are not conjurers and they cannot be expected to perform magico tricks. They are practical business men. Given the necessary support and given the necessary co-operation, I have not the slightest doubt that they will steer the ship of the State carefully into the haven.”

\* THE RT. HON'BLE V. S. SRINIVASA SASTRI:—“Mr. President, I am one of those who welcome the advent of the Congress Party to power. I welcome the great caution that has been exhibited in the framing of the first budget. This is only for a half year and it is

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too much for us to expect or to ask for a complete Congress programme to figure in it. That is impossible. It is, however, a satisfaction to me that there are indications in the budget of a very promising character. To give the poor people drinking water and to wean them from drink are, if there were nothing else, achievements of which any Ministry might be proud. I am glad that the Prime Minister and his colleagues have undertaken these huge tasks, and I only hope that they will be in office long enough to see these schemes come to fruition or put them well on the way to it. I am upheld in this hope by the fact that the Department of Public Health and Sanitation is in the hands of our friend Dr. Rajan upon whose accession to the Ministry I do not know whom to congratulate more, the Cabinet whom he has joined or the people whom he is going to serve. (A voice: ‘Both.’)

“Touching the question of prohibition, I do not know how exactly to characterize the remarks in the last speech made by my hon. Friend Mr. Thomas, who is an authority on Economics. He has made a very valuable speech upon this subject, which it is difficult for me to follow, without saying some things drawn from my own experience. He brought us the analogy of the old opium revenue. I know something about that opium revenue. The Government of India, believe me, Sir, was the victim of a great deal of misrepresentation and it enjoyed an odious reputation on the ground that it raised several crores of rupees at the expense of the character and welfare of the Chinese people. How much truth there was in this, was always difficult to determine. The world thought that way. When I was in England and subsequently when I was in America, I felt humiliated every time this question of opium came up, and I remember how in Washington the name of India was mud. It was extremely difficult to defend the Government of India's position, although the Government of India had undertaken at that very time a programme of extinction of the opium revenue to which they kept faithfully. I think it is on the whole, an honourable record of which the Government might will be proud. 4 p.m.

“But then, my Friend, Mr. Thomas, asks, ‘True we lost; but did the Chinese benefit by the loss that the Indian people inflicted upon themselves?’ I am really sorry to think that the Chinese people are no better after the extinction of our opium revenue, than they were before. The plight of China is pitiable from many points of view. It is not open to us to do more than wish them success in grappling with the difficulties by which they seem to be at the moment hemmed in. But, Sir, I do not look at the extinction of the opium revenue in the same way as my friend, Mr. Thomas; we, at any rate, are clear of blame in that respect; our hands are now perfectly clean and if the Chinese people have not the courage to do away with opium, we at least can look the world in the face and say we are no more to be blamed.

“I met a certain passage in the Hon. the Prime Minister's statement with the greatest pleasure. He said the mischief of this toddy

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revenue is that the Government of the country are organizing a system by which the poor people are led into wicked ways, loss of their health, ruin of the welfare of their family, and render themselves very inefficient instruments of the economic uplift of the country. Now, whatever the other implications of this question of toddy may be, it is of the first importance that the Government of our Province must extricate themselves from this position, that they are taking a considerable share of their revenue from this drink evil. Every effort, no doubt, must be made by the Hon. the Prime Minister and his Colleagues to see that, while they lose their revenue, they at the same time really free the people from the drink evil. They must take every care and not be content merely with doing away with excise revenue; they must at the same time see that their efforts to improve the lot of the people is signalized by the disappearance of the drink habit and not merely of the drink revenue. It is a great work they have undertaken and I wish them blessing and Godspeed.

"But, Sir, I think I should be doing my duty by my friends in Government to tell them of certain misgivings. In the first place I think our Prime Minister put his foot too far off when he said that it is not an experiment, but the first decisive step in a programme which is predetermined. Well, brave words! But is the Prime Minister so sure of the success of the experiment? Salem, no doubt, is his own district, but I do not believe that he is fully aware of the tremendous difficulties there are in curing the people of this long-standing disease. Merely to do away with the drink revenue is not synonymous with making the people more virtuous; that is a very different proposition. I see also a desire on the part of the Hon. Prime Minister and his colleagues to rely with almost touching confidence upon the disinterested and enthusiastic agency which they think they will be able to raise in support of this great campaign against drink. I have undoubtedly whole-hearted admiration and approbation for the work that unpaid volunteers have performed in times past. But could we rely on them for work of this kind, work that has to be done in all houses and in all corners, that has to be done during nights and days? How can we rely on them to go to the toddy shops in all the corners of the district to preach to the people the virtue of abstinence and to preach also to the smugglers, to the illicit manufacturers and to that large class of people who do not scruple to profit by the misery of others? Is it possible with the help of an unpaid and enthusiastic agency, that we can really do away with this deep-rooted evil? I wish our friends will take this point into consideration and see the necessity of organizing a regular preventive force of paid workers who will, day in and day out, do their best to carry out this policy to fruition. Moreover, Sir, I must own to a sense of diffidence when I contemplate the very brief period during which they propose to carry out this very difficult piece of moral improvement. I am surprised how they think that three years' time is enough to carry out this programme. At any rate let them not take risks and push on whatever may happen to

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their programme. I hope they will learn the lessons that every day brings them; I hope they will provide for the magnitude of the difficulties that stand in their way and they will not be too much in a hurry just because they have said a hasty word in their financial statement, to push through the reform. As I said, I wish them Godspeed in this enterprise, but I wish them also an extra amount of caution and circumspection, the disposition to use proper agencies in this great work. And as my friend, Mr. Thomas said, they must also show a readiness to go slow if circumstances dictate such a course.

"Sir, I wish to say another word and that would be with regard to the Rs. 2 lakhs that has been allotted for the purpose of promoting handspinning. Mr. President, Sir, that amount is all too small for the purpose they aim at, but it is a good beginning and as the Hon. the Prime Minister has himself stated, we should look at this provision not as indicating definite steps but as showing in what directions Congress policy will take shape. Is there a necessity, is there an inherent connexion between the grant of this sum of Rs. 2 lakhs to handspinning and the levy of a licence fee on cloth shops? Could not this sum of Rs. 2 lakhs and more be taken from general revenues? I do not see, Sir, the inherent and inevitable connexion between these two things, and there is no sufficient explanation forthcoming in the financial statement, why it was found necessary to create this new tax, a licence fee, however light it may be, in order to encourage handspinning. Is the one to be encouraged at the expense of the other? Is that the idea at the bottom of it, the levy of Rs. 5 or Rs. 2 on every cloth shop? Is it going to give us much revenue? Why is it done? I wish the Prime Minister clearly told us what his policy is towards the industrial growth of our country. Are we to understand from that that he and his colleagues have a certain animus against the mill industry? There is no apparent reason why the mill industry should be discouraged at all, or why it should be considered an enemy of such a cottage industry as handspinning. The two things may well be kept apart. I am really sorry that an indication of or room for suspicion should have been given that in the minds of the Congress party there is some feeling against the mill industry. That, however, is a small matter. I think, on the whole, that the budget gives us clear indications that the Congress Ministry has assumed office in circumstances which promise much improvement in the condition of the poor people.

"A word may perhaps be allowed to me, in conclusion, about the cut in the salaries. I am one of those who, during a long life spent in politics, have said a good deal, I am afraid, harshly too, on the bloated salaries that prevail in this country. I welcome the beginning of a pruning in this direction. But the vague statement that the cut will range from 2½ to 30 per cent, leaves one with a great deal of doubt and misgiving as to the incidence of the cut. There are salaries, for instance, below a certain figure, say Rs. 100 which perhaps will not bear much of a cut.

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4-15 p.m. It is open to question whether at the present juncture of our economic life a salary of less than Rs. 100 will be considered, in the case of an educated man, too high and whether it would be fair to cut down his salary in the prosecution of a policy which aims really at the curtailment of big salaries. As the Prime Minister has himself said, there is no hope of deriving much relief for our suffering revenues from this cut in salaries, but it is a moral indication that an attempt will be made by this Government at least to introduce something like a correspondence between the extremely depressed condition of the people and the condition in which their servants or the official world is placed. In that sense I welcome the cut, but at the same time hope that every care will be taken that the small man in Government service will not be made to feel that he made a mistake in the choice of his profession."

\* MR. L. SUBBA RAO:—"Mr. President, Sir, from the opposition benches and from sympathetic friends, my party has received congratulations both on its policy of prohibition and on the introduction of salary cuts. With respect to prohibition might I say, Sir, that the financial implications of the question have been to a certain extent answered by another distinguished friend of ours from Masulipatam, Dr. Pattabhi Sitaramayya in a very learned pamphlet which he has published a year back. The revenue that we derive from excise ranges between 4 and 5 crores and the pre-war expenditure under the military head from the Central revenues was about 30 crores and it has now been raised to 50 crores and the attack on the Central Government has been that the military expenditure should be reduced to its pre-war level, in which case the Central revenues will be available for distribution to the various provinces which have lost the excise revenue. That is one of the things that has been said and I do not see any reason why when the finances of the Provincial Government are affected to such an extent the Central Government should not be pressed to spend a portion of its revenues for distribution in provinces. There is also a provision in the Government of India Act that a certain percentage of the income derived from income-tax can be paid over to provincial revenues, as we expect an expansion of the Central revenues in due course. It has been pointed out by the Right Hon'ble Mr. Sastri that the Prime Minister has foreshadowed a programme of prohibition in three years. In the very cautious statement made by the Hon. the Premier, we do not find anywhere that the programme of prohibition has been limited to a period of three years or that any period has been fixed. On the other hand, he has stated in his Financial Statement, 'Here again, we must counsel patience to those who would like to see the whole of the Province become "dry" at one swoop.' It will be noted that the Hon. the Prime Minister has been very cautious in the introduction of prohibition. One thing more, Sir, in regard to prohibition. The problem has to be tackled one way or the other. It cannot be said that the problem is being tackled a day too early. My friend, the late Hon'ble Mr. B. Muniswami Nayudu, when he was the

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Chief Minister some 5 or 6 years ago, made an attempt to tackle this problem, not by introducing prohibition but by carrying on propaganda, and we know that it has failed and that attempt merely to carry the policy of prohibition to the door merely by propaganda having failed, the next legitimate step is to introduce prohibition. Here I might say, we are the inheritors of the past Government. The past Government made an attempt at prohibition by means of propaganda, but we believe that prohibition itself is a working proposition. I do not see any reason, nor do I despair that the party will not be able to carry through its prohibition programme. It is true that having regard to the prohibition campaign in America, we ought to have a paid preventive force and I entirely agree with the Right Hon'ble Mr. Sastri's observation in regard to the matter.

"Coming to the question of spinning, Sir, it has been asked, why this spinning and this licence fee on hand-looms should go together. It may be that the Hon. the Prime Minister has not explained the position fully, but I believe with a view to popularize cottage industries and with a view to supplement the income of the weaver, this licence fee is being levied by way of protection. The hand-loom weavers are not organized like the mill workers. The mill workers are concentrated in small areas and they have got their trade unions, and they have got public bodies to ventilate their grievances and to bring considerable pressure on labour representatives both in the Central Legislature and outside; the mill-owners also are highly organized and they secure whatever protection they require in regard to their industry; whereas the hand-loom weaver is spread all over the country and he is not able to stand the competition with the mill product. It is generally agreed that the cottage industry should be supported. Sir, hand-loom industry being one of the largest of industries, in fact, next to agriculture, and as these weavers are spread over thousands of villages in the country, the only effective way of giving protection to them is by way of levying this licence fee so that the hand-loom products will compete favourably with the mill products. I believe that is the idea underlying this licence fee that is sought to be imposed by the Hon. the Prime Minister.

"Then, Sir, there is another aspect of the matter which has been touched by the Hon. Member from Masulipatam and that is that the amount of Rs. 80,000 provided for buttermilk to prisoners ought to have been omitted. Sir, this is a question which was handled by two hon. Members one of whom sits here to-day. One hon. Member stated that buttermilk did not form an article of diet; it might be so in Malabar, but not so in other parts of the country, but his successor has told us that it was not possible to make budget provision to give buttermilk to prisoners. I may say, Sir, that it is only the human instinct in the Congress Ministry that has been able to provide even this small sum of Rs. 80,000 for the relief of the prisoners. It may be that some of these Congress Ministers, perhaps owing to extraordinary



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circumstances, may find themselves again in jail and so it might even be considered that such a provision has been made as a safeguard for the future (Laughter). In any view of the matter, human touch cannot be ignored and it may be noted that Rs. 80,000 would not in any way mitigate the indebtedness of the agriculturists. It is only for the purpose of showing the human touch in the Congress Ministry, that it has something which feels for the common man and that even an ordinary prisoner can be reclaimed to society and made a useful member thereof; it is in that aspect of the matter only that this provision has been made.

"Well, Sir, sitting on this side of the House, perhaps it would not be open to me to say that one or two provisions which we expect had been omitted. Yet from the Press Communique, issued by the Hon. the Minister for Public Health, we find that a token grant of Rs. 1,000 would be made for the Vizagapatam Medical College. We do not find that in the budget; it may be that it may be got by way of a supplementary grant. As a member of the University where the medical college is situated, I might impress upon the Hon. Minister and other members to see that adequate provision is made for the construction of buildings in the Vizagapatam Medical College. With these few remarks, Sir, I resume my seat."

\* MR. S. K. AHMED MEERAN:—"Mr. President, Sir, I think we must first of all congratulate the Hon. the Prime Minister for presenting an excellent budget in spite of the so many handicaps he had. I do say, it is an excellent budget, because of its new orientation; under any other budget we could not have expected a policy of prohibition; we could not have expected a policy of a subsidy for hand-spinning and we could not have expected definite proposals or even radical proposals for supplying drinking water in rural areas; and considering the shortness of time which the Hon. the Finance Minister had, he must be really congratulated and the House should surely feel a debt of gratitude to him for the excellent budget he has presented.

"With regard to the policy of prohibition, Sir, some misgivings have been expressed by very revered members and I may even call them, men who have grown grey in the public life of this country. but at the same time, I do not for my own part feel any misgivings with regard to the success of this scheme. First of all, I do not think the analogy of the giving up of the opium revenue by the Government of India holds good in this case. There is no analogy between that and this at all. The country lost the revenue but we had nothing to do with transforming the character of the Chinese. If we were ourselves the consumers and we gave up the revenue and at the same time inaugurated a programme of reforming the masses who were consuming opium and then if it had been a failure, you can quote that as an analogy and say that prohibition also may be a failure. We only gave it up on a humanitarian principle considering international politics and so I do not think that that question arises here at all.

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"Then with regard to the practical difficulties referred to by some Members, that there are coconut trees just behind the door of every house or the backyard of every house, I do not think that just because there are coconut trees, nearby, everybody is going to tap toddy and drink it.

"I do admit that there are possibilities of that. But I am not very much apprehensive, because I am quite sure that in a country like India where more than 90 per cent of the people do not drink and where there is a general public odium against drinking and where there is public opinion 'part from official agencies' to come to the aid of Government to enforce prohibition with success, it will surely succeed. Take, for example, the question of thieving. Has thieving been stopped, in spite of the most effective steps taken by any civilized country in the world? No. Can you on that score abolish the provisions of the Penal Code? I may push that analogy a little further. Is thieving prevented or even checked only by the help of the Police? Certainly not. It is by the moral force or by the force of public opinion which the society brings to bear that the evil is kept in check, because the Policeman is not at every door of every house. As a member of the society, everybody feels some responsibility to the public in this respect, and as a member of the public he sees that another man does not thieve. It is certainly not for the Policeman to say that every man who has got coconut trees in the backyard of his house should be public spirited enough not to draw toddy. In a country like India where there is a general aversion to drink, everyone will come to the rescue of the Government and see that prohibition is made a success apart from the succour or aid of official agencies. Anyhow I am not very much concerned about the success or the failure of the scheme. We all know that it is a beneficial scheme and that drink is eating into the vitals of the nation. In that case, it is our duty to support it. It may be that we may not succeed cent per cent as in the case of thieving. There may be some illicit drinking; some may take undue advantage and there may be bootlegging. On the whole, the success or failure of the scheme does not depend on cent per cent success. If we succeed by 50 per cent, I do think it is a great success, and in course of time we may hope for cent per cent success. I only want to say this much, that so long as we admit that it is a very beneficial scheme, it is the duty of all of us to give our hearty support to it and not give room for misgivings. Of course, there will be difficulties. I am sure the Hon. the Premier is not unaware of them. In this connexion, I would like to say one word more. Dr. Thomas said that it must be done on a gradual and slow scale. He asked, are we going to have a cordon round the whole district of Salem? He added that we must do it on an all-India basis. It seems to me that he was arguing in a vicious circle. At one breath he said that we must be gradual and slow; at another breath he said that it must be on an all-India basis, that financial difficulties will stand in our way and that the scheme will stand in the way of ameliorative measures. I do not understand what he meant by 'slow

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and gradual stages all over the country.' I do not think that in those circumstances it is going to be adopted at all. For example, in the previous Ministry we had a policy of preaching temperance by propaganda which was considered to be a step in the prohibition policy. It did not make any headway. I do think that it will never succeed unless we go to the root of the evil and eradicate it root and branch. (Hear, hear.)

"I now come, Sir, to an allied subject nearer home, viz., the question of racing and gambling. Sir, the budget has provided for Rs. 1,60,000 by way of revenue from betting tax. I do not know when there will be an end to that. I cannot understand any civilized Government which does not want drink to prevail in the country, tolerating gambling, for a minute. We are having a system to which we cannot find an analogy elsewhere. We are preventing by the Madras Gaming Act the establishment of bucket shops outside the race-course and prohibiting people betting in them. But within the precincts of the race-course, we are allowing people to gamble and bet, and the Government wants to make a profit thereby to the tune of Rs. 1-60 lakhs. Barring drink, I do not think there is any greater evil than betting which eats into the vitals of the nation. How many big and rich families have been ruined by this? I am quite sure Government will take early steps to see that this tainted money is not made a source of revenue. We do not want this tainted money for carrying out ameliorative measures for the people. Sir, in regard to this gambling on the race-course, it may be urged by some that it encourages horse-breeding. I do not for a moment subscribe to it. It is false to say so. First of all, I cannot understand how betting encourages horse-breeding. If they want to encourage horse-breeding, let them have only horse racing and no betting. The very same people who say they encourage horse-breeding by going to the race course and betting, are the people who do not care to go in for a horse carriage but for a car. Those people can afford even to dispense with the car and go in freely for a jutka or a horse carriage. Even if there is some truth in the statement that betting encourages horse-breeding, I do not want that the State should get any revenue out of it. I do not hereby mean that betting may be allowed to go on, even without a tax. I want this betting to be stopped at the earliest possible opportunity. Perhaps it will require legislation, and that is why the Government are not able to move in that direction in the present budget. I hope that before the next budget is presented to us this evil will be stopped by legislative sanction if necessary. In this connexion, I would make one request to the Members of this House and to the Government. By the time the next budget is presented, that is somewhere in February or March next, the horse racing season in Madras which commences in November would have closed. I do request every Member of this House who is living anywhere within the City of Madras or nearby to carry on some propaganda against horse racing. In Ootacamund also where there is a race course something in the nature of such propaganda

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should be done. I would request also the Members of Government not to go anywhere near those precincts (laughter). I am saying this because till now it was a fashionable thing for fashionable gentlemen and also Members of the Treasury Bench to patronize the races. I never mean anything disrespectful to them. At least to set an example to the whole nation that they are against this horse racing and that they do not want this to go on, at least for that purpose, I do request them not to go anywhere near it, not even for witnessing the races.

"Then I will go on to another topic, that is as regards the administration of justice. It caused me great disappointment when I read in the *Hindu* a report of the answer given by the Hon. the Premier to a question about the separation of the judiciary from the executive. I do not know whether the report is correct or not. Anyhow, it seemed a most disappointing answer from my point of view. This question of the separation of the executive and the judiciary was an age-long matter, and I thought it rested on principle and not on the question of a change in the Government. It was a question of principle as to how far the executive Government held out its hand of co-operation to the judiciary. That the prosecutor and the judge should be combined in one goes against the fundamental principle of jurisprudence. It was on that basis that the Congress and very many of the political organizations in India have been agitating this question in the past over forty years. We have got the District Magistrate who combines in himself the head of the police and the head of the magistracy. I do not know how long this will go on in our country. But I know it is not a very easy affair for the provincial Governments to act on this question because it involves affairs connected with the Central Government. Anyhow, I expected a more favourable answer from the Premier, apart from the difficulties in the way of carrying it out immediately. However, I hope that the new Government will at no distant date try to bring about the separation of the judiciary from the executive. Anyhow, there is one thing which can be done even now. The present-day subordinate criminal magistracy, I should like to say, commands very low respect. This can be found from the large number of transfer applications filed in the High Court in so many criminal cases before these magistrates. Sir, it is a fundamental principle that not only justice should be done but justice should seem to be done. You do not have it with the magistracy as it is at present constituted. At least in the matter of the recruitment of magistrates of the lower order, I would say that men who have some experience at the bar and who can view things in a broader light should be appointed straightaway as sub-magistrates and deputy magistrates, rather than, that people who are promoted from the lower ranks of the service should be invested with criminal powers. People who were once servile clerks under some magistrate or superior officer cannot be expected to dispense justice in an independent manner, when they become sub-magistrates or even deputy collectors. Such a man will always retain his servile mentality. I know cases have happened when



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the District Magistrate calls for an explanation from the subordinate magistrate by a demi-official communication as to why he delivered judgment in a particular case in such and such manner. It is well known that this grossest form of abuse of the administration of justice goes on to some extent. The magistrate would otherwise be prepared to write sense or nonsense in a judgment or give a judgment right or wrong, when he is independent. But if he knows that there is somebody, a departmental head, to question his judgment, the judgment naturally takes a particular turn. If this state of affairs is to remain a day longer, it will not be well for the country. So, I do say that though it will take time to bring about the separation of the executive and the judiciary, we can at least devise some means by which independent men with legal qualifications and with some experience at the bar are appointed as magistrates. Nowadays, we find so many legal men offering their services at competitive rates. When we can get men like that on lower pay, why should we be importing men from the ranks of clerks who have been accustomed to play at the beck and call of superior officers and who have developed a servile mentality? I do say that at least in the matter of recruiting these magistrates we must have direct recruitment from among the men qualified at the bar, who have got some legal experience, and not from among those who have simply passed the criminal judicial test. How can these people be expected to administer justice?

“Sir, there is another problem which was being agitated on the floor of the old Legislative Council, and that is with regard to the reduction of court-fees. It was in 1922 that court-fees were increased by an amending Act, and if I remember correctly, it was expected to be a temporary measure. But somehow or other things are going on in the same way. If a litigant wants to go to court, he has practically to spend a quarter of the amount he sues for. For example, in a suit for Rs. 100, he has to pay Rs. 11-3-0 for stamps and Rs. 1-2-0 for some other court charges. Besides, he has to pay the lawyer and also meet some other personal expenses. All the same, the decree-holder's difficulties commence when he begins to take steps to execute the decree. In the several stages of execution, he has to spend money both by way of stamps and by way of other expenses for which he is not responsible. It is a fact that he has to spend at least Rs. 20 to realize a sum of Rs. 100. It may prove to be after all throwing good money after bad. So, the Government should not try to make this a commercial proposition in order to get revenue out of court-fees. I do admit that we have to stabilize our budget. Yet, it is our duty to see that court-fees are reduced at least to some extent, though not to the old level of Rs. 7-8-0 or so. We have to do something in this direction, because we know there is agricultural depression in the country and people are not able to resort to courts, on account of the high Court fees. But in the last administration report, the large fall in the sale of stamps was explained as due to a tendency on the part of parties to settle cases out of court.

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“I do say that if there is a reduction in the court-fees, the revenue will be larger because there will be more suits filed. Further, I think the Court Fees Act is one of the most irrational pieces of legislation I have come across in my few years' experience. There is no rhyme or reason for it. There are several kinds of suits. If you file a suit on a promissory note it will take five minutes for disposal and for that you have to pay heavy court-fees. There are suits for injunction for which you fix arbitrary values, say Rs. 100 or so, you take the time of the court for two or three months. If this legislation is to be amended I think it will require the sanction of the Imperial Assembly because it is an Imperial Act. But we have also got some power with regard to the fixing of the rate. We can reduce it or increase it. This Government may if possible recommend to the Governor-General that this be done. The court-fees should be realized from the litigant just as the High Court is collecting fees according to the time and labour taken. Of course, there is a minimum fee of Rs. 225 on a plaint of Rs. 10,000. But apart from that, it is not *ad valorem*. I think that is a fair way. If a man who files a suit on a promissory note is asked to pay Rs. 1,000 on a suit for Rs. 10,000 it is a most inequitable way of collecting fees by way of judicial stamps. I hope these facts would be borne in mind and Government would take steps to remedy these anomalies.

“Then with regard to the supply of buttermilk, personally I am not very much in favour of it. It is stated that this would involve a cost of Rs. 80,000 per year. I think this has been proposed because of the deep plunge or attitude which the Congress Party had already taken when they were in opposition or perhaps when they were not members of the Government. They have gone too far in that. They have thought that this is one of the elementary necessities of any human being and they have raised adjournment motions before, on the floor of the Legislative Council. On that score, and perhaps, in keeping with that attitude, they have necessarily to carry out this supply of buttermilk when they are in office. But I do not know how far it will really go to relieve the 'C' class prisoners. I do admit that if they are 'C' class political prisoners they should be given buttermilk. This question arose only from a 'C' class prisoner's case, if I remember right. Last year or the year before, this was made a general question for all prisoners. Please do not think that I am against any improvement in the diet of a jail prisoner. I doubt whether it will really help him in any way or whether he will think that he has acquired some article of diet which he was absolutely in need of. I do think this money might have been better utilized in effecting some prison reform. Of course this prison reform is a very vast subject and perhaps Rs. 80,000 may not be enough. Anyhow I do think that this is not a very essential step and with these words, I must congratulate once again the Hon. the Prime Minister for the excellent budget that he placed before us, apart from those small minor things adverted to by the members. But he had only a short period at his disposal to

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prepare the budget and it is, as he said already, a six months budget prepared in the middle of the year. So, naturally certain things have to wait. Perhaps, as he says in 1938-39 when he presents the budget, it would be really the Congress Party's budget, but whether it is the Congress Party's budget or not, certain grievances are common and universal to all; it is not a question of party politics.

"With regard to the separation of judicial and executive functions, it is not a question of party politics. On the administration of criminal justice, I would like to say one word more. We have got a system by which the prosecution is conducted in the Subordinate Magistrate's Court by Police officers. This is one of the evils, I do think, of the present day criminal administration of justice; because excepting the District Courts where Sessions Judges preside, in all other courts it is only the Police officer who is in charge of the prosecution. This leads to all sorts of evils. Suppose we have got an officer independent of the Police Department, there will be some independence in him. Supposing, the Police prosecutes a man for an offence which, if the Public Prosecutor or the Prosecuting Inspector really thinks, is no offence he can give up the case or he will do something to see that the prosecution is not pressed because the criminal prosecution launched by the Government is only for vindication of justice but not to be vindictive. He must hold the scales even between the accused and the complainant or between the prosecution and the accused. That, a police officer in charge of the prosecution cannot do. Because, if he does anything he will be displeasing the District Superintendent or his higher officers. That is why I think we do have in District Courts and High Courts Public Prosecutors who are recruited entirely from outside the Police who will not view things from the point of view of the Police alone but will try to administer justice and hold the scales even as between the accused and the prosecution. I do not think this separation of functions is going to involve great cost in the administration of justice. For the same pay which the Prosecuting Inspector gets, we can get qualified legal man who can be put in charge of the prosecution and who will conduct these criminal cases in Subordinate Magistrate's Court. So with these words, I once more congratulate the Premier on the excellent budget which he has placed before us."

MR. P. PEDDI RAJU:—"Sir, in the first instance I should congratulate the Hon. Prime Minister not for the figures that he has presented in the budget but for the promises of what he is going to do in the future.

"In future, the Ministry wants to encourage the agriculture and improve the condition of the working classes and my few remarks now will be to show what may be done with regard to them. The Premier has said in his budget speech that water-supply in the village is the most important item. But the provision that is made in this year is about Rs. 1½ lakhs of which Rs. 1 lakh is proposed to be spent. Even last year, the allotment is more than Rs. 2 lakhs. What I say is, it must be several lakhs, because the District Boards and

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Panchayat Boards cannot spare anything to spend on this item. I think it is most important that they must provide several lakhs of rupees every year under this head. Then there is another point. The Premier has thought that the communications are not so important as water-supply. I do not want metalled or tarred roads, but only communications for transport from one place to another. I know some cases where people have to walk miles in deep water carrying their goods for the market. In such cases, communication is as important as rural water-supply.

"The next thing that I would refer to is rural dispensaries. Of course, a small beginning has been made in this year though the Government stopped it some years back. But I have to bring to notice the ways in which local authorities are misbehaving. In the matter of rural dispensaries, if they are allopathic they want to replace them by Ayurvedic dispensaries, and where they have got Ayurvedic dispensaries, the authorities concerned want to replace them by allopathic dispensaries. This is all due to the fact that the man in power, in order to please his own man or his own whims, abuses his power. So, I appeal to the Hon. Minister for Public Health to see that these things are avoided. I have got the case of an Ayurvedic rural dispensary where the authorities concerned have said that this is the best one and has been working well. But recently I understand the District Board President said that it must be converted into an allopathic dispensary and the doctor concerned should be removed. Unfortunately, this man was the seniormost man among the Ayurvedic doctors, but he was served with a notice and sent away. I am only quoting an instance where the system has not been working properly. I think the Government should deal with such cases with a strong hand so that the dispensaries are kept according to the wishes of the people and not according to the wishes of the authorities.

"Then, Sir, there is another aspect which has to be considered. This has been agitated upon for a long time in the former Council. I think the late Mr. Foulkes had always been complaining that the sanitation in the villages of this Presidency could not be improved unless the Government took up the question of latrines, especially in the deltaic tracts. So, I would like to invite the attention of the Minister for Public Health to this question also, so that the Prime Minister may provide money when he brings the next budget.

"It has been my favourite question and the complaint of my life, during the last twenty years or so.

"Sir, the complaint in the Godavari deltas has always been that 5 p.m. there is no provision made for the improvement of the drainage. There is no drainage system there at all. They have been neglected. The authorities concerned, the Public Works Department, have been saying that the drainage system is a protective work and that, in a delta, they need not spend any money for a protective work. But our complaint is that drainage and irrigation should be taken together.

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In the Godavari and Kistna they have been making a net profit of 12 to 20 per cent every year, but they are not spending anything on the drains. We are no doubt having a successful crop generally. That means to say that the Government are not granting any remission. The Government grant remission only in cases where the loss warrant it. The average crop in the Godavari delta yields 8 to 9 annas. If you improve the drains you are sure to get a yield of 16 annas. That is why we have been asking that to improve the suffering and poverty-stricken condition of the people, the drains should be improved. Last year the Hon. Member for Irrigation was pleased to say, as regards my district 'that the Chief Engineer had proposed a programme extending over 4 to 5 years and costing Rs. 4 to 5 lakhs and that the matter was under consideration.' I am sorry to say I do not know what became of the scheme before the Government. I see no provision in the budget for this work of improvement of the drain in my district. I am not speaking only of my district, but of the neighbouring districts of Guntur, Kistna and East Godavari. They all come under the same category. Sir, during all these years I saw no criticism in this House about the drainage schemes in the south. I do not know why. I took pains to go round the delta during the last week and found that the systems there have been working much better than in the north. Their system was designed centuries back and it works well. That is why, perhaps, the Government Members who were in charge were not able to recognize the difficulties of the north and never made any provision for it. So, I appeal to the Premier to keep the promise made to us by the late Government and see that the drainage in the deltas are improved. That is why there are a number of resolutions both in this House and in the Lower House suggesting the appointment of a committee to devise ways and means for the improvement of the drainage in the Godavari delta. I appeal to the Government to see that a committee is at once appointed consisting of some experts and also one or two non-officials from each district to find ways and means to devise a scheme.

"Sir, the Budget memorandum says that the Government have taken into account the inclusion fees for including the lands under dry wet into regular wet. I thought that this question had been shelved. So far as the Marjoribanks Committee Report is concerned, we were told that their recommendation was that inclusion fee should not be levied hereafter. This has been a long-standing complaint, particularly in the two deltas. It was put into force in the Godavari western delta in 1923 and subsequently it was extended to the Kistna delta too. Sir Charles Souter, when he was Revenue Member, said that such a system should be stopped; but unfortunately during his term of office he was not able to carry it out. I do not know why the Government in their Budget memorandum thought that there was some income from this also in spite of the recommendations of the Marjoribanks Committee.

"I have to mention one another matter about irrigation. In our district, penal water-cess is levied for irrigating lands by means of rain

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water. There is no water-source; no tank; no river and no stream; rain water flows from one land to another and the ryot in the lower reaches cultivates his land with that water. For this he is not only charged water-cess, but also penal water-cess. Under the Board's Standing Orders there is no authority for this levy. But perhaps Government think otherwise and that everybody should pay. This is a matter which will have to be investigated.

"Another topic that I wish to mention in this connexion is the question of assigning lands in the foreshore of tanks. I find from the Government memorandum that they have prohibited the cultivation of such lands. If the lands in the foreshore of the tanks are cultivated it would have a detrimental effect on the ayacut ryots. It should be prohibited.

"Sir, for the curtailment of expenditure, there is a suggestion which has been made by all the conferences for a long time and that is that the Board of Revenue should be abolished. I gather from a question put in the Assembly that the matter is not being considered. I do not know why. I would request the present Ministry to consider whether it is not possible to abolish the Board of Revenue altogether and appoint a Revenue Commissioner who would be an assistant to the Minister concerned.

"Then, Sir, I find that an expenditure of a large sum of money has been provided in the Budget for Survey and Settlement operations. I thought that the re-settlement came to an end. I do not know why the same provision of Rs. 28 lakhs has been made again for Survey and Settlement, even though six months are over. I do not know the reason why the staff should continue. It is after all a temporary staff and it can be curtailed. Anyhow it is a matter for the Government to consider whether it could not be stopped altogether next year.

"I am glad the Government have tabled a resolution for the appointment of a committee to investigate the relations between the land-owner and the tenant. Sixty per cent of the population being in the ryotwari parts of the presidency are able to get some remission, but the zamindari ryots get no relief. It is high time that the Estates Land Act is amended and some relief given to the zamindari ryots. I would request the Government to expedite the measure which would give redress to the zamindari ryots.

"Sir, I find that provision has been made in the Budget for several Deputy Collectors to work the Debt Conciliation Board. Sir, when the Debt Conciliation Act has been condemned as being not useful, I do not know why this provision is there. Unless the Act is amended, I do not see how it can be made useful.

"I do not want to occupy any more time of the House. But I may say that the Government should find ways and means to curtail expenditure. I will give one or two instances where they can effect retrenchment. There is provision made in the Budget for training Indian Civil Service Officers in the Co-operative department. Why

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should such highly paid officers whose salaries cannot be touched by the Government should be trained in the Co-operative department? Are not there provincial officers who could be trained in the department at less cost? Next, Sir, I would come to the divisional inspectors of schools. I think it is an extravagance to have them. They do nothing. It is a new inauguration. I think the Hon. the Premier in his budget statement said that the previous Government had mortgaged the finances of this Government to the extent of several lakhs. This is one of those instances. Another instance is the appointment of the deputy inspectors of local boards. At the time these appointments were sanctioned, it was said that the Inspector of Local Boards could not travel throughout the Presidency and that this assistance was necessary. They are simply sitting in the office as head gunastas doing nothing. There are a number of other supernumerary appointments. I would suggest that these questions should be investigated by a committee if necessary or by some special officer.

"Sir, now that the Congress Government has come, may we ask them to remove corruption in all the departments of the administration? I find that in the United Provinces the Ministry has appointed a special officer to see that corruption is put down. I would only request the Hon. the Premier to see that all the C.I.D. people who have been shadowing the politicals are directed to find out where corruption exists in the departments. My submission is that in every branch of the administration including the Education department, corruption is rampant and the people's money is being drained away by all the officers. I think the tax which the Government levies is only a fourth of what the officers are taking. (Laughter.) I would request the Government to see that some special steps are taken to remove corruption in all the departments. With these few words I again congratulate the Ministry for its promise to do something good for the masses in future."

\* MR. M. D. KUMARASWAMI MUDALIYAR:—Sir, I congratulate the Ministry on special features which are characteristic of this year's budget. I am particularly glad that agriculturists and other labourers of the soil have come in for some small measure, at any rate, of ameliorating schemes, for their uplift and well being. But I am sorry the Hon. the Prime Minister has not been bold enough to introduce schemes which will help all alike in all districts.

"I would particularly invite his attention to the urgent need for pushing through the Papanasam project in all its stages. Here is a vast tract of rich land with an excellent water-supply from natural resources, but the Government have been allowing a good portion of this water to run to waste into the sea without harnessing it for producing purposes at the hands of the ryot.

"For many years the Government have been callously indifferent to the needs of the masses. Every year, owing to the insufficient supply of water, remissions have to be made by Government. If the

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reservoir is constructed, there may not be any need for the Government to allow these remissions. Will the Prime Minister of to-day have the necessary courage to come forward with this really useful scheme which I am sure will be a far more productive investment for Government and help the people at the same time to a great extent?

"I would also like to invite the attention of the Government to the anomaly of double taxation on comparatively non-productive crops in dry areas where the real burden of taxation falls not so much on the land owner as on the poor cultivator.

"I refer to the palmyra tax that is levied in the Tinnevely district in particular. A tax is levied on the dry land as such and over and above this the palmyra tree also is taxed.

"Members of this House are aware that the owners of such dry lands 5-15 get their income only when the tree is cut from the bottom for which p.m. they wait for a pretty long time. Interim benefits accruing from the tree are leased out at abnormal rates to the poverty-stricken tenants who get help in respect of part of their food and dwelling from the living tree. The incidence of the tree-tax falls directly on these poor tenants and I ask in all earnestness what reasons there are for this invidious double taxation. I am sure the interests of these poor peasants will invoke the ready sympathy of this House and a warm encouragement at the hands of the Government. This punitive tax must go."

The House then adjourned to meet again at 2 p.m. on Thursday, the 9th September 1937.

## THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 9th September 1937.

The House met in the Council Chamber, Fort St. George, at two of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

### I.—QUESTIONS AND ANSWERS.

#### STARRED QUESTIONS.

##### *Ceramic industry and its development.*

\* 51 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the survey made of the possibilities of developing ceramic industry in this Presidency has disclosed any favourable prospects;

(b) what steps have the Government taken or have in view to foster the development of the industry;

(c) how many ceramic factories exist in this Presidency, and which of them are owned by companies incorporated in British India or in Great Britain;

(d) whether technical training in ceramics is given or is decided to be given in Government schools or colleges; and

(e) whether the Government have been approached for aid to any Indian or European ceramic factory and with what results?

THE HON. MR. V. V. GIRI:—“(a) The attention of the Hon. Member is invited to the Report on the Ceramic Survey of the Madras Presidency published in 1934 from which it will be observed that there are distinct possibilities of developing the manufacture of certain branches of the ceramic industry.

“(b) In regard to one branch of the ceramic industry, i.e., pottery, the Government have sanctioned a scheme submitted by the Director of Industries for organizing a class of instruction to students in the manufacture of articles such as jars, domestic pottery, and possibly to a limited extent, artistic potteryware. The Director of Industries has deputed a young man who holds a degree of Bachelor of Science to Calcutta for training and who, on his return, will organize a pottery class. Arrangements are also being made by the department to conduct demonstrations with an improved potter's wheel with a view to enabling the country potters to increase their output. The department has endeavoured to interest private enterprise in the development of some branches of the ceramic industry, and it is hoped that before long two new factories will be started in the Presidency.

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“(c) It is presumed that the ‘ceramic factories’ referred to in this clause of the question may be taken to include not only pottery and porcelain, but also the manufacture of tiles, pipes, etc. According to the Indian Factories Act, there are about 60 tile factories in the Presidency most of them being situated on the West Coast. There are also the factories of the Indian Hume Pipe Company, Limited, for the manufacture of pipes at Kovur, Bezwada, and elsewhere, and the factory of Messrs. Parry & Co., Ltd., at Ranipet in which stoneware articles are manufactured. No definite information is available as to which of the ceramic factories are owned by companies incorporated in British India or in Great Britain, although most of them are believed to be incorporated in British India.

“(d) The possibility of introducing a pottery section in the School of Arts and Crafts is being examined by the Director of Industries. It is not proposed to give technical training in Ceramics in Government schools or colleges.

“(e) The following four applications for financial assistance have been received under the State Aid to Industries Act for the development of the tile industry:—

- |                                                                    |                                                         |
|--------------------------------------------------------------------|---------------------------------------------------------|
| (1) The Zamindar of Singampatti for tile manufacture.              | Withdrawn by applicant.                                 |
| (2) M.R.Ry. K. Ramachandar, Bellary Brick and Tile Works.          | Negatived.                                              |
| (3) Mon Jules Guerre of Pondicherry, for the manufacture of tiles. | Negatived.                                              |
| (4) Mr. B. Abraham, Tanjore Tile Works.                            | A loan of Rs. 4,250 was sanctioned and has been repaid. |

“Another application for financial assistance under the Act from a tile factory in Manamadura has been received and is under consideration.”

*Fees for cutting grass in Mumgelpet reserve areas.*

\* 52 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the Government have been collecting any fees for cutting grass in Mumgelpet reserve of Chandragiri range and Tirumalai block of Mamandur range in Chittoor district for the last two years and, if so, for what reasons; and

(b) whether such fees were collected at any time in any range in Chittoor district?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) Yes. In the Mumgelpet reserve the fee is levied as a punishment for wilful incendiarism. In the Tirumalai block, the fee is levied because grass is removed by professional grass-cutters for sale and not for their own use.

“(b) The answer is in the negative.”

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RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I ask the Hon. Minister whether the Government have made any enquiry as to whether the report of the Forest department is based upon facts?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“The fee is being levied from the year 1935. In 1935 there was a conference in which the hon. Member was also a member when this matter was discussed.”

RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I know when the conference was held and who were the members of that conference?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“It was held on the 10th August 1935 in which the Forest Officer, the Collector of the district and the hon. Member himself and some other members were present.”

DR. C. RAMALINGA REDDI:—“May I ask whether the Government will kindly revise their orders in the light of the present-day taxes instead of standing on their previous resolution?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“The matter will be considered.”

RAO BAHADUR M. RAMAKRISHNA REDDI:—“Will the Government be pleased to place the resolution of the conference on the table of this House?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“The matter will be considered.”

*Supply of agricultural implements, etc., to ryots.*

\* 53. Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state what provision has been made by the Government for providing the ryots with agricultural implements and small pieces of timber for domestic purposes and thorny materials for fencing the fields?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“Each agricultural demonstrator has a depot at his headquarters where the implements are stocked for demonstration as well as for sale. Implements and machinery are also hired by such of the ryots as may not be able to purchase them easily. The Government sanctioned last year a grant of Rs. 1,23,000 to enable the Agricultural department, among other things, to purchase an increased stock of implements to be maintained at the depots and an expenditure of Rs. 30,000 was incurred out of this grant in 1936-37 for the purchase of implements. A sum of Rs. 32,700 has been provided in the budget of the Agricultural department for 1937-38 for the purchase and sale of agricultural implements to ryots while a provision of Rs. 18,400 was also made under ‘Advance to cultivators’ for the grant of small loans to ryots for purchase of agricultural implements.

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"Thorn material is not stocked by the department. There are several thorny plants within the knowledge of ryots themselves which are suitable as live fences. A list of plants that furnish fencing material as a substitute to prickly-pear is given on page 104 of the Villagers' Calendar for 1936, published by the Agricultural department."

"Provision exists in the contracts given by the Forest Department for collection and disposal of stock in coupes requiring the contractor to sell to villagers during the period of the contract timber required for domestic and agricultural purposes at rates within specified maxima. Free removal of certain species of timber for similar purposes is also allowed from the unreserves."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"May I ask the Hon. Minister whether there is any previous practice of giving agricultural implements to the ryots free?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"No. Not free."

*Prohibition of the raising of garden crops in the Godavari Western Delta.*

\* 54 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Public Works be pleased to state whether the Government have prohibited the raising of garden crops in the Godavari Western Delta by restricting garden-crop cultivation to a restricted area and if so, when?

THE HON. MR. YAKUB HASAN:—"Yes. A notification on the subject inviting objections and suggestions was published in English in the *Fort St. George Gazette*, dated 9th and 16th January 1934, and in English and Telugu in the *West Godavari District Gazette*, dated 6th February 1934. Representations were received and considered by the Government in consultation with the local officers, the Chief Engineer (Irrigation), the Board of Revenue and the Irrigation Development Board, and the rules in respect of all irrigation in the Godavari Western Delta with canal water as finally revised were published in the *Fort St. George Gazette*, dated 26th June 1934, and in the *West Godavari District Gazette*, dated 6th July 1934. The object of the rules referred to has been clearly explained in the notifications published in January and February 1934 in the *Fort St. George* and the *West Godavari District Gazettes* respectively."

MR. P. PEDDI RAJU:—"May I ask whether the Government are aware that conditions in these districts in regard to irrigation have greatly improved and the headsluices have been widened and a better supply of water is ensured to the ryots? In view of these things will the Government be pleased to revise their orders?"

"May I also ask the Hon. Minister whether the Government are aware that a Committee consisting of Agricultural officers and Collectors recommended free supply of water for raising garden crops?"

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THE HON. MR. YAKUB HASAN:—"A series of supplementary questions have been put. I can only say that I will consider all these matters."

MR. P. PEDDI RAJU:—"If the Government are not aware of all these facts, will they be pleased to call for a report?"

THE HON. MR. YAKUB HASAN:—"I will make myself acquainted with all these things."

*Amalgamation of bifurcated district boards.*

\* 55 Q.—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government propose to amalgamate the bifurcated district boards;

(b) if so, whether they propose to amalgamate all the bifurcated boards or only some of them;

(c) if only some of them, the principle on which they base the order of amalgamation; and

(d) whether the Government will place on the table a statement showing the names of the boards in the order in which it is proposed to amalgamate?

THE HON. MR. B. GOPALA REDDI:—" (a), (b), (c) & (d) The questions are under the consideration of Government."

MR. T. C. SRINIVASA AYYANGAR:—"Are the Government aware whether the financial position of the panchayat boards and the bifurcated district boards is sound? If the Government are not in possession of that information, will they be pleased to call for it?"

THE HON. MR. B. GOPALA REDDI:—"Certainly we are in possession of facts and we will consider them when the time comes."

MR. L. SUBBA RAO:—"Will the Hon. Minister be pleased to state whether the abolition of taluk boards and the bifurcation of district boards have conduced to economy or whether the present expenditure has exceeded the original expenditure?"

THE HON. MR. B. GOPALA REDDI:—"Notice, Sir."

MR. T. C. SRINIVASA AYYANGAR:—"May I ask whether the abolition of taluk boards and later on the bifurcation of district boards have not engendered financial difficulties in the administration?"

THE HON. MR. B. GOPALA REDDI:—"I do not think so."

*Accommodation in the Madras Ophthalmic Hospital.*

\* 56 Q.—MR. K. VENKATASWAMI NAYUDU: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of beds in Madras Ophthalmic Hospital;

(b) the number of patients actually admitted in the hospital and what provision is made for their accommodation;

(c) whether there is any proposal to extend the hospital buildings so as to give more accommodation to the patients; and

(d) the average number of out-patients that turn up in a day and the time taken to dispose them off?

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THE HON. DR. T. S. S. RAJAN:—“(a) 170.

“(b) The daily average number of in-patients admitted in the hospital during the year 1936 was 257.34. The surplus sick in-patients are accommodated in the verandas.

“(c) The answer is in the negative; but there is a proposal for the construction of quarters for the nursing staff who are now occupying some portions of the main hospital buildings. If and when the quarters are constructed, the portions of the hospital occupied by the nursing staff will be available for use as additional wards.

“(d) The daily average number of out-patients during 1936 was 346.88. The out-patient department works from 7.30 to 12 noon and sometimes up to 1 p.m.”

*Measures proposed, if any, to relieve indebtedness among agriculturists.*

\* 57 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) what the several measures adopted or proposed to be adopted are for the relief of indebtedness among agriculturists in the Presidency; and

(b) what the total amount spent by the Government is by way of loans and aids during the last two years (1935-36 and 1936-37) and the amount proposed to be spent this year for the purpose?

THE HON. MR. K. RAMAN MENON:—“(a) Special Loans Officers have been appointed in ten districts for helping certain classes of debtors to get their debts scaled down. The scaled down amounts are then paid to creditors by these officers who make arrangements to recover from the debtors the amounts so advanced, in easy instalments spread over a period of years. Quite a number of land mortgage banks have been started and more will be started as and when funds become available. These banks are and will, more and more, be availed of for converting short-term debts to long-term loans at considerably cheaper rates of interest which could then be liquidated in easy instalments spread over a long period of years. Debt Conciliation Boards have been established in certain districts and it is hoped that they will be able to secure large scaling down of debts.

“(b) The Government advanced Rs. 1,68,035 in fasli 1345, Rupees 16,86,580 in fasli 1346 and have provided a sum of Rs. 30 lakhs in the current year's budget under the Agriculturists' Loans (Madras Amendment) Act, 1935.”

*Results of the operation of the Madras Debt Conciliation Act.*

\* 58 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the Madras Debt Conciliation Act (XI of 1936) has been brought into operation in any place in this Presidency and if so, what place; and

(b) if the Government have received reports on the operations of the Act, and if so, what results do they show?

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THE HON. MR. K. RAMAN MENON:—“(a) The Madras Debt Conciliation Act, 1936 (Madras Act XI of 1936), has been brought into force in this Presidency with effect from 1st January 1937. Debt Conciliation Boards have been constituted in the following six districts:—

|              |          |
|--------------|----------|
| Ramnad.      | Bellary. |
| South Arcot. | Nellore  |
| Coimbatore.  | Guntur.  |

“(b) The monthly progress returns for all the six Debt Conciliation Boards received till the end of June 1937 show that no case has been disposed of under section 14 of the Act.”

*Inspector of Motor Vehicles in the Presidency.*

\* 59 Q.—MR. L. SUBBA RAO: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) how many Inspectors of Motor Vehicles are employed in this Presidency and in which districts;

(b) who discharges the duties pertaining to inspection of motor vehicles in districts where there are no such Inspectors;

(c) what the qualifications required for employment as Inspectors of Motor Vehicles are;

(d) whether those who do not hold the office of Inspector of Motor Vehicles and yet conduct the inspection possess such qualification; and

(e) what the remuneration paid is, to officers who are not employed as Inspectors of Motor Vehicles but yet carry out inspection work?

THE HON. MR. K. RAMAN MENON:—“(a) Fourteen Inspectors of Motor Vehicles are employed in the districts of—

|                |               |
|----------------|---------------|
| North Arcot.   | Salem.        |
| Chingleput.    | Tanjore.      |
| Coimbatore.    | Trichinopoly. |
| South Kanara.  | Tinnevely.    |
| Kistna.        | Vizagapatam.  |
| East Godavari. | Madura.       |
| Malabar.       | Ramnad.       |

“(b) A temporary Inspector of Motor Vehicles has recently been sanctioned for the Madras City.

“(c) The District Superintendent of Police inspects buses and taxis and issues certificates periodically. In the City, the Deputy Commissioner of Police, Traffic and Licensing, does this work at present.

“(d) A candidate for employment as Inspector of Motor Vehicles should be over 22 and under 32 years of age. He should have worked as an apprentice, fitter, or engineer in an automobile workshop for not less than three years, or, if he holds the Diploma



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of Licentiate in Automobile Engineering granted by the Director of Industries, Madras, for not less than one year. He should also have held a motor driving licence and have had experience in driving motor vehicles for not less than three years.

“(d) District Superintendents of Police are not required to possess these qualifications.

“(e) In districts for which Motor Vehicles Inspectors have not been sanctioned, District Superintendents of Police, who do the inspection, are paid honoraria at the following rates:—

|                                                                                    |                                                                          |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| An amount equal to fees collected in a month or Rs. 75 a month, whichever is less. | When the number of motor vehicles for inspection is between 100 and 150. |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------|

|                                                                                        |                                   |
|----------------------------------------------------------------------------------------|-----------------------------------|
| An amount equal to the fees collected in a month or Rs. 50 a month, whichever is less. | When the number is less than 100. |
|----------------------------------------------------------------------------------------|-----------------------------------|

“In other districts when Motor Vehicles Inspectors are on leave or when their post is unfilled, the District Superintendents of Police who do the inspection are paid honoraria at the following rates:—

|                    |                                                                                                       |
|--------------------|-------------------------------------------------------------------------------------------------------|
| Rs. 100 per month. | When the number of brake certificates current in the district on 1st January of the year exceeds 150. |
|--------------------|-------------------------------------------------------------------------------------------------------|

|                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| An amount equal to the fees collected in a month or Rs. 75 a month, whichever is less. | When the number of such certificates is 150 or less.” |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|

MR. L. SUBBA RAO:—“Is it a fact that the District Superintendents of Police and the Deputy Commissioner of Police do not possess any qualification for doing this work and may I know whether Government consider that any qualifications are necessary or not?”

THE HON. MR. K. RAMAN MENON:—“The Government consider that District Superintendents of Police and the Deputy Commissioner of Police are sufficiently qualified for doing this work.”

MR. L. SUBBA RAO:—“Do they possess any qualifications which have been prescribed?”

THE HON. MR. K. RAMAN MENON:—“They are supposed to possess some of those qualifications.”

MR. L. SUBBA RAO:—“Do they actually possess?”

THE HON. MR. K. RAMAN MENON:—“To the best of my information they do so.”

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*Amount of fees collected for inspection of motor vehicles and the cost for the inspection.*

\* 60 Q.—MR. L. SUBBA RAO: Will the Hon. the Minister for Courts and Prisons be pleased to place on the table a districtwar statement showing the amount collected by the Government for inspection of motor vehicles and the cost incurred by the Government for inspection?

THE HON. MR. K. RAMAN MENON:—“It would be difficult to obtain and tabulate information districtwar of the collections referred to; but Rs. 25 is collected for each bus carrying ten or more persons and Rs. 20 for each bus or taxi carrying less than ten passengers for a half annual inspection. It is not possible to state precisely what the cost of this inspection is as it is combined with other duties.”

MR. L. SUBBA RAO:—“Is the cost of inspection intended to be remuneration for the service rendered or is it intended to be a tax?”

THE HON. MR. K. RAMAN MENON:—“It is not intended to be a tax.”

MR. L. SUBBA RAO:—“May I know whether the fees collected in some cases exceed the cost of inspection? Will the Hon. Minister be pleased to call for statistics relating to collection of fees and the charges incurred for inspection?”

THE HON. MR. K. RAMAN MENON:—“The charges incurred for inspection actually cannot be given because that duty involves other duties also.”

MR. L. SUBBA RAO:—“Approximately at least?”

THE HON. MR. K. RAMAN MENON:—“Approximate means only guess.”

### UNSTARRED QUESTIONS.

*Facilities, if any, in Presidency and district headquarter towns for the public for consulting official publication and other Acts.*

31 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Administration Reports and Public Information be pleased to state—

(a) what facilities the Government have provided or propose to provide to the public in the Presidency town and district headquarter towns for the purpose of consulting various enactments and official publications; and

(b) what steps the Government have taken or propose to take to place at the disposal of the public (apart from that placed on Editors' Table) all official information that may be made available to the public at large?

A.—(a) & (b) As regards enactments, Bills and Acts of the Provincial Legislature are published in Part IV of the *Fort St. George Gazette* and copies of this portion of the gazette are supplied to a fairly large number of newspapers and institutions in the Presidency.

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Official publications are also supplied to important newspapers, institutions and public bodies. Copies of departmental Administration Reports are distributed free of cost to institutions, etc., interested in them.

Besides the foregoing arrangement, lists of papers placed at the disposal of the press are published weekly in the *Fort St. George Gazette* and are sent to important newspapers. Copies of such lists can be obtained from the Government Press free of cost either in person or by application through the post. Arrangements have been made whereby lists of papers placed at the disposal of the press in each quarter of the year are available for reference by the public at every Taluk and Divisional office.

Papers placed at the disposal of the press including Administration Reports are sold to the public by the Government Press.

*Action taken for instituting an index number of wholesale prices.*

32 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state what action has been taken on the suggestion on page 8 of the Report of the Department of Industries, Madras, for the year ending 31st March 1936, that steps may be taken for instituting an index number of wholesale prices at Madras as at Bombay, Calcutta and Karachi?

A.—The question is under the consideration of Government.

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

II.—GENERAL DISCUSSION OF THE BUDGET FOR 1937–38.

\* MR. PRESIDENT:—“The Council will now proceed with the general discussion of the Budget.”

\* DR. C. RAMALINGA REDDI:—“Sir, I cannot do better than follow the footsteps of my Rt. Hon. Friend Mr. Srinivasa Sastri and at the very beginning of my speech refer to an interesting episode in recent political history and a refreshing act of generosity, perhaps rare, which does credit to both the principals concerned therein, namely, my Hon. Friend the Prime Minister who invited Dr. Rajan to accept a seat in the Cabinet and my Hon. Friend Dr. Rajan who in a similar spirit of generosity responded to that call, as in duty bound, unmindful of the small storm in the Trichinopoly tea pot. We are indeed glad that we have as Leader of the House Dr. Rajan and we hope that under his leadership, the usefulness and dignity of this Council will be properly maintained. At the same time, I hope that Dr. Rajan will not think that I am trying to drive a low bargain if I remind him of the Rs. 1,000 token demand for a grant for the Vizagapatam Medical College which he has promised to bring up before the Assembly. I

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do hope that by the time the Budget session is over, in the list of supplementary demands that are usually made, not only the Vizagapatam Medical College but the Andhra University also will find a safe and secure place.

“My Rt. Hon. Friend congratulated the Congress on acceptance of office. I heartily join in those congratulations. He wished the present Ministry long life. I also wish the present Ministry long life, though judging by its strength it does not look as though it is in need of any good wishes. But may I remind them that even the strongest amongst us cannot maintain health and longevity unless he avoids excesses? I am sure that, under prohibition, sobriety will be a feature of our Government but there may be other ways of inebriation and I trust that for the credit of our own statesmanship they will avoid excesses.

“Mr. President, it is a matter of deep gratification to me from what I have been able to see and judge of the administration carried on by my Hon. Friends that there is not the least doubt that they will avoid excesses in their policies and their administrative measures and that they will keep to the great principles laid down by the ancient philosophers, the golden mean as the Greeks put it or the great middle path as the Buddhists would have it. I am emboldened to make this statement by the following instances which I shall quote not as an exhaustive list but merely in support of my feeling that my Hon. Friend the Prime Minister is making the Congress the Centre Party in the country, avoiding extremes of revolution and reaction. In ordering the release of the Kottapatam Summer School prisoners and certain political prisoners on the West Coast, the Government very rightly pointed out that they would not tolerate any kind of organization which had for its ways and means the exercise of violence and that their clemency should not be regarded as a licence to break law and order. I know that the attitude of my Congress friends towards officials has largely changed and very rightly and very properly. I know also that the attitude of the officials towards the Congress Ministry has changed. That again, is not only right and proper but it is in accordance with the great traditions of the British Civil Service. To most of us, therefore, that is no surprise. While there is a great deal of honeymooning going on just now between the Congress and the bureaucracy in illustration of the truth that nobody makes such a nice new friend as a nasty old enemy, I do trust that these relations of mutual goodwill and confidence will not only continue but, by the further and more intimate intercourse involved in common association, be strengthened and increased. I would even say this. There was a time when we on the Congress benches were using the words ‘political prisoners’ as though they denoted a definite category. But somewhat to my surprise though not altogether, my Hon. Friend Mr. Raman Menon the other day professed incapacity to define the term ‘political prisoners’ showing thereby that the voice of the old Secretariat is not altogether dead in this Council yet. I do not complain; for judged by their conduct and action, the policy of the Government has been most conservative. I regard all these acts as the liquidation of some of the obligations of the

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revolutionary movement in which we all took part. I congratulate the Prime Minister that in liquidating those past commitments he has taken care to see that orderly progress in future is safeguarded and that people understood that the Congress Government also would govern. While I am on this subject I may even refer to a far-off incident. Coalition with other parties, which the Congress till the other day thought was a sin for which there was no *prayaschitham*, has been adopted by the Congress Party in the North-West Frontier Province. All these developments are most desirable and in the interests of the unity of the country and the united front which in these critical days we have to present. While on this subject, I will make a request to the Government to consider the case of Mr. Amir Hyder Khan. My Hon. Friend has said that he would give it consideration. I suppose he would give sympathetic consideration to it. It is no doubt true that he is now in the Punjab. But if I remember rightly, he was under our arrest and I am sure those who arrested him could have a say in the matter of his release even though he be now in the Punjab. We cannot be the authors of the arrest, and yet say we have no responsibility in the matter of his release.

“And the second thing is this. While my Congress friends in the Government are doing all these things and heartening the country and justifying the confidence reposed by the people in them, they have strangely forgotten the matter of the surcharges imposed on the various district boards and municipalities in connexion with the visits of Mahatma Gandhi and the closing of schools and offices in which these local bodies indulged. If there had been actual collection of these surcharges, then I plead that it should be one of the first obligations of the Government to return those moneys to the parties concerned with interest at 6 per cent at least if possible. (Laughter.) It seems to me that Mahatma Gandhi stands apart from all merely political issues, from all social issues and from even economic issues. He represents a new force of spirituality which in my opinion ought to be honoured by all irrespective of their politics, irrespective even of their racial composition and affinities. I trust that this duty will be carried out by my Hon. Friend the Minister for Local Administration.

“Sir, it is now clear that the Congress Ministry, while on the one side they are striving to be true to some of their revolutionary obligations, have at the same time striven their utmost to see that conservative elements were introduced as regards the future. Due caution, prudence and proper regard for law and order characterize their administration. I detect also a similar dualism in the budget as present by my Hon. Friend the Prime Minister. There is Dr. Jekyll and there is also Mr. Hyde. It remains to be seen who will overcome whom. To put it more concretely, there are found several paragraphs in the introduction of the speech which are pregnant with classic doctrines of financial administration. My Hon. Friend has also connected the constitutional and political issues with finance and perfectly rightly. He has pointed out that as a result of the long distance exchanges of statesmanship between the Government and the Congress on the subject of assurances,

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it is now—and this is only an inference and construction—most unlikely that Governors would use their special powers and responsibilities. He has also pointed out that even according to the text of the Act as it is now, financial responsibility is a matter entirely transferred to the Ministers though of course, subject to the other sections of the Act which impose an ultimate limit, namely, of interference by the Governor if things go wrong. And the reason why he made bold to make this statement is clear, that is to impress upon us all the need for keen, deep and vigilant sense of responsibility as regards administration in general and financial administration in particular.

“Mr. President, I have in my own humble way been following the pronouncements of the Prime Minister since the elections were over and even before he became Prime Minister. He has stated, I believe, more than once that so long as the Ministry produced a balanced budget there would be no case for the Governor to exercise his powers of intervention. In that way he has created a vital link between political development as vouchsafed by the Constitution Act and the stability and prudence of our financial administration. He has referred to the good credit that this Presidency enjoys and, if it does, he has himself acknowledged that that credit is due to the long tradition of wise financial administration for which this Presidency is famous. The utmost that we could say is this: The presence of the Congress on the Treasury Benches has not upset that credit. I would put it even positively and say that people have such confidence in the prudence of the present Cabinet that they have no misgivings, as yet, about financial administration. In all these ways, my Hon. Friend has laid down the main principles on which the financial administration of the Presidency should rest. He has also added a humorous touch by appealing to the romantic authority in finance, the most romantic of all authorities, Mr. Micawber. He has also gone one step further than Micawber in refusing to be satisfied with the Micawberian shilling but wants larger surpluses every year in the budget, or a more assured balance. But he will kindly forgive me if I point out that the actual budget as presented and more especially the Budget speech as given do not altogether tally with these principles of financial administration. There seems to be an inner contradiction. I am not blaming; I am not criticising. It is inevitable in these circumstances. The Ministry came into power on the wave of a vast enthusiasm. It had only 2½ months or so within which to alter the budget (One hon. Member: ‘Not so much’). Well, I am not talking arithmetic, I am talking politics. They had very little time to alter the budget according to the canons of financial administration. So my Hon. Friend will not misunderstand me if any remarks of mine may seem to be in the spirit of criticism. But if I point out these things it is because I want my Hon. Friend to take note and see how he could overcome these difficulties and inner contradictions in the future budgets he is going to present.

“I can refer to several items which appear to me to be a departure from the financial principles which my Hon. Friend has so eloquently set forth. The first is that this is really a deficit budget, though he

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has presented it to us as a surplus budget. My Hon. Friend's statement itself is quite clear. The sum of Rs. 10½ lakhs which we used to spend from revenue or which was used to be debited to revenue, in respect of commutation of pensions, has this year been transferred from revenue and is debited to borrowings. It is because of this step that we have been able to show a small surplus. If, following the precedent of previous years and the canons of orthodox finance, we had met this also from revenue, there would have been even this year a deficit of over Rs. 10½ lakhs. Of course it is a very small amount. But I am concerned with next year. If my Hon. Friend is going to be true to the speech he made in connexion with the introduction of his budget, he will have to meet this amount and the next year's contribution of a total of Rs. 20½ lakhs, in addition to the heavy loss of revenue owing to the introduction of prohibition in the Salem district which, I suppose, will be roughly Rs. 26 lakhs—altogether Rs. 47 or 48 lakhs. I ask my Hon. Friend to see how he is going to play the part of Micawber next year in view of this situation or whether he will speculate on something turning up.

“My second point is this: There is a small amount which he has taken credit for, though the exact amount is not stated, in the matter of the licence fee on mill cloth shops which he proposed to levy. I am not going into the merits of the question because they have already been dealt by the Rt. Hon. Srinivasa Sastri and it would be absurd to deal with the same theme after that master-hand has dealt with it. I look upon it from the financial point of view; any fee or tax must be either protective in its nature or it must produce sufficient revenue. Is this protective in its nature? I do not know; the rate is not given. If it is going to be protective, it does not matter whether it produces revenue or not; the rate has to be sufficiently high to drive one set of people away from the field and take it away from them and give it over to the handloom weaver with assured advantages. My hon. Friend, Mr. Subba Rao, referred to the protective rate; but I am not sure on what he based it; it is only a speculation; it may be true or may not be true. Certainly my Hon. Friend the Prime Minister has been saying that it has no revenue value, at any rate, at present. My Hon. Friend has said that the yield will be very small. If it is not going to be either a protective duty or a revenue tax, why introduce it at all and among others, irritate honest shop-keepers? I am sure many Congressmen have given assurances to the Bombay and other mill-owners that they need not fear when they get into power. However that be, this looks to be at present a token finance. There seems to be something indicative of a feeling of unnecessary bias against mills and machinery. Finance is not a department for gestures. Sentimental gestures have no meaning in finance. Token finance must be avoided. The tax in my opinion should not be imposed. If it is a big one or if it brings you a big yield, that is its own justification or at any rate excuse. But this particular one I rather think should not be there. I hope my Hon. Friend will correct me if my observations are wrong; I think this has been done rather with a view to introducing the principle this year and increasing the rates in the years to come. I do not know if this is the object; otherwise

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THE HON. MR. C. RAJAGOPALACHARIAR:—“You want budget secrets one year in advance.”

DR. C. RAMALINGA REDDI:—“Then, Sir, I will, at this juncture, refer to the speech of my hon. Friend, Mr. Narayanaswami Nayudu. He made a very able speech full of facts and figures and presented them in a businesslike manner, reminiscent of the days of his elder brother who played a big part in this Presidency, namely, Mr. Muniswami Nayudu. I have only one criticism of that speech, if I may offer, viz.: It is rather irrelevant to the present budget. My hon. Friend detailed all the things which this Ministry had not provided for, and Mr. Srinivasa Ayyangar from Cuddalore, got into a bit of confusion in referring to it. He first resented it as an attack on the Congress budget in which Congress orientation had been marked; and two sentences later he said it was not a Congress budget at all. Therefore he did not make it clear why he attacked Mr. Narayanaswami Nayudu on that ground. In fact, it is a speech that may have been delivered next year, after the Ministry had had time to consider all the interests involved and made provision according to their schemes, their policy and their programme of precedences and preferences. Then we can attack the very principles on which they settled these preferences instead of going into them in some detail as now. I therefore propose to restrict myself to the four corners of my Hon. Friend's budget and budget statement. It is a very big programme of real reform that he has foreshadowed. It is not an easy thing; prohibition itself is the greatest possible boon to the rural labourers provided we can successfully enforce it and carry it out. But I rather think that this is a thing which we have to go about, according to the speech of my hon. Friend, Mr. Thomas, on well-recognized maxims. These things are going to be introduced and to be accomplished in the very near future. But have they calculated the cost? How will they meet that cost? Will the Hon. Minister give us facts and figures? He has not taken the Council into his confidence and told us what the cost will be of these projects and how he proposes to meet it. Is it to be a leap in the dark, like prohibition this year? Will each situation be met by improvisation made at the moment; or are we going to listen to the wise words of Mr. Thomas and prepare in however sketchy a form, a general plan of our reforms on the one hand and the cost thereof and the various schemes of retrenchment and taxation and other ways and means by which we will reduce our expenditure or increase our revenues? Are we going to have the purse in view in all these things? Is our policy going to be more circumspect than spectacular or more spectacular than circumspect? I entirely agree that it is not right and it is not fair to expect the Ministry to come out with a large comprehensive plan of this kind in the very short time that they have been in office. But I trust these things will be remembered in the coming year and my friend's budget for next year will be a splendid resume of the entire field of reforms he would undertake and the way in which he proposes to meet the cost of these reforms.

“It is when we come to the question of prohibition that my Hon. Friend openly and flatly contradicts the maxims of financial prudence

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which he earlier announced. He says that prohibition should be carried out at any cost; now, Sir, 'at any cost' may not be compatible with the Micawberian principle of keeping the expenditure well under your income. I think, Sir, that we cannot apply 'at any cost' principle in worldly affairs at all. Even nations which go to fight furiously have to yield; they do not say 'we will fight at any cost,' and get themselves absolutely exterminated. The only instance of this kind that we know of in history, is the famous episode in the history of Rajputana when all the men rushed against Moghul armies and perished to a man and the women perished in the fire performing the terrible 'Johna.' I do not think any such heroism in financial administration is desirable even by the Congress Ministry of the Madras Presidency. I do hope that my Hon. Friend in the pursuit of his fanatical idealism will not consign our finances to the flames.

"On the question of opium I wish to say a word or two. I will not repeat what has been already said. Fortunately for me, the theory of the opium money has been dealt with by my Rt. Hon. Friend. I say one of the reasons and the real reason why the reputation of the Government of India sank so low in the eyes of the world was that we were exporting opium to the Chinese against the wishes of their own Government; under various treaty rights which deprived the Chinese Government of its trade autonomy, we forced opium into the Chinese markets against their will, against the desire of the Chinese Government itself. In other words, we had direct dealings with the people in spite of the protests of their own Government. No such analogy is to be found here. My Hon. Friend, Mr. Muniswami Pillai, has always been speaking of tainted money with regard to the drink revenue, and that a portion of the surplus with the Government of India will have to be given to us if there is a fall in the revenue due to prohibition rather than allow this drink evil to go on. Well, we can extend the tainted money theory to any extent. If one sits down to examine, he will discover that a large amount of the money which the Government get is tainted in some way or other. The Hon. Member, Mr. Muniswami Pillai, may say, it is a matter of opinion. If we do away with all the tainted money, I think our finances will reach a most disturbing condition. The other day, my hon. Friend, Mr. Ahmed Meeran, who made a very able speech, referred to the revenue derived from gambling, or from bucket shops. I do not know whether Congressmen would not regard the revenue derived from court fees and stamps as tainted money. I am a believer in the old Vedantic theory that all money is tainted, especially that which is in the other fellow's pocket instead of in mine where it ought to be naturally. Let us not scent taint too much.

"In regard to prohibition I would like to refer to three aspects not before touched or emphasised. What about sweet toddy? I understand from press reports that Babu Rajendra Prasad is of the opinion that sweet toddy need not be prohibited. I do not know if the writ of Babu Rajendra Prasad will run in the Madras Presidency. He says that sweet toddy will not be prohibited. Will you allow sweet toddy,

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will you treat it as a domestic industry or a cottage industry and allow particular people to store it in their houses? And if it is stored, I am told, for 12 hours—I am sorry my hon. Friend Mr. Saldanha is not here just now; he would give details—it ferments. Are you going to allow toddy being drunk, that way? And will not this involve domiciliary visits? On the other hand if you prohibit sweet toddy you will be depriving people of a very valuable and nutritious food.

"The next point deals with the unemployment that would arise from prohibition in Salem. I do not know what the total number of people who would be thrown out of employment one way or the other by the enforcement of prohibition in Salem would be. My hon. Friend surely has got the figure with him. I only saw a press report which puts it down as to something from ten to fifteen thousand. I wonder if there is exaggeration in it. At any rate it appeared in a paper which is in agreement with the policy of prohibition. What are we to do with the unemployment thus caused in these days of economic depression? There is of course the saintly way of saying that the wages of sin is death and the wages of this particular sin is starvation. I do not think that that view will commend itself to the generous heart of the Congress Ministry. Then there is the other and far more dangerous expedient spoken to by a distinguished official. I do not know if the official I am thinking of—I am sure my Hon. Friend the Prime Minister knows or will guess who has done so—spoke with the knowledge and authority of the Government or whether he was initiating a policy of his own. Addressing a meeting of some village officials, munsifs and karnams, it was reported in the papers that that distinguished official told them that they should find employment for those people who would be displaced by the Government's policy of prohibition. That is a very strange and a very novel duty imposed on the poor village officials. I do not know if this departure from our policy can be justified. But there is something worse. If the published report is true, a threat was held out that if the village officials did not try and find employment for these people, the hereditary principle according to which all these appointments had been made till now and have been made from time immemorial . . ."

THE HON. MR. C. RAJAGOPALACHARIAR:—"On a point of order, Mr. President, is the hon. Member entitled to attack officials' speeches in connexion with this Budget debate?"

\* MR. PRESIDENT:—"No, he is not."

THE HON. MR. C. RAJAGOPALACHARIAR:—"They are not here to defend themselves."

\* MR. PRESIDENT:—"Quite so."

DR. C. RAMALINGA REDDI:—"I guarded myself by saying, 'if that report is true;' I am not attacking the officials at all; and if my hon. Friend wants me to present the same in a different way . . ."

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THE HON. MR. C. RAJAGOPALACHARIAR:—"It is easy to say that he used the subjunctive, but that is hardly fair."

DR. C. RAMALINGA REDDI:—"Sir, it is open to my hon. Friend as the defender of the services either to deny the fact or defend the official. Anyhow I will change the way in which I wish to present the case. Does the policy of Government as a consequence of prohibition involve firstly, the imposition of this new duty on the village official and secondly, does it further involve that if the village official fails to carry out this novel duty imposed upon him, the hereditary principle will be displaced . . ."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I am sorry the hon. Member has come to it again. I said that officials should not be attacked for their statements here, because, it would not be relevant for me either to accept or reject or to answer such criticisms. It is enough for my hon. Friend to raise problems, but he cannot raise the question of hereditary officials and all that to which there is no reference in my speech and no reference in any of the proposals made by the Government."

DR. C. RAMALINGA REDDI:—"With all due deference to my hon. Friend, I say, I am perfectly entitled, if the circumstances warrant, to refer to possible consequent actions which Government may undertake as a result of their prohibition policy and I request them to say whether it is not under contemplation to undertake this measure . . . (The Hon. Mr. T. Prakasam: 'But do not drag the officials.')

I am the last man to drag in any officials here, but if my Hon. Friend, Mr. Prakasam wants to interrupt me, there is the legitimate way of doing it, namely, that of standing up and delivering himself. I said Sir, that as a result of the enforcement of this policy of prohibition suddenly and in this manner in the Salem district, the financial loss will be very large. My Rt. Hon. Friend, Mr. Sastri has said enough on this subject and in a most kindly way warned our friends in the Congress Ministry against going on with this policy in this manner and pleaded with them to consider ways and means and at any rate to slow down the tempo of this reform. That is the chief object I also have in view in making these remarks. It will not do to say that you are sacrificing 4½ crores in this way to recoupe. We do feel—my Hon. Friend Mr. Prakasam laughs—and if he thinks it is the easiest thing to do, all I can say is I will confirm my faith that the Congress can work miracles and only the Congress.

"My hon. Friend, Dr. Thomas in the very able speech he made ran over a wide field of possible sources of new revenues. He referred to some of the things contemplated in the present Constitution Act, and I do not want to traverse the same ground, but it is clear that there is also a wider field. As my hon. Friend Dr. Thomas stated, there are various ways of retrenchment. Before I deal with them I would like to say a word about the statement made in the Budget speech by the Hon. the Prime Minister which seems to have impressed my hon. Friend from Cuddalore, so deeply. The Hon. the Prime Minister very rightly pointed out that under prohibition a large amount of saving could be

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effected and he put the saving in Salem at about a crore of rupees. I do not know whether he meant it as a figure based on calculations and estimates or as a general expectation. In either case, my hon. Friend, Dr. Thomas in referring to the same subject suggested that by means of certain Government monopolies the Government might get into its own pockets a good share of these savings. It seems to me finance is becoming rather too dangerously easy, for if by sacrificing 13 or 26 lakhs we effect a saving of one crore from which Mr. Thomas will get half or 50 lakhs for Government and by sacrificing 4½ crores we can save 30 odd crores and my hon. Friend Dr. Thomas will give us 15 crores, I am perfectly willing to give Dr. Thomas a decent commission on that (laughter). I do not know if finance is going to be so easy as all that.

"Then, as regards salaries, I am entirely at one with my hon. Friend, the Prime Minister in deciding on reduction. I would however throw out this suggestion with a view to see that no difficulties occur from any quarter in the realization of this object. My Hon. Friend the Prime Minister wants to approach the Secretary of State. He is the protector of all these services and he is bound to hold an enquiry before he passes orders. I would here recall the speech of one of the ablest of our officials—I mean Mr. N. Gopalaswami Ayyangar who is now the Prime Minister of Kashmir. He distinctly told us that the services were quite responsive to the Congress feeling in this respect, but that they deprecated arbitrary and freakish cuts in pay and hinted that if a committee were appointed a settlement could be arrived at which it would be impossible for any Secretary of State to negative. I only suggest that idea for such action as my hon. Friends in the Ministry may think fit to take.

"Then, Sir, are we going to have a reduction in the number of services? Now that political tranquillity has been established on a wide scale, shall we not touch the C.I.D. and the Police? I do not want to deal with this now, but I would like to leave that to my Hon. Friend Mr. Raman Menon. There is the idea of employing honorary staff on a large scale. The point was dealt with in connexion with the prohibition scheme and I have nothing to add to the words of caution and wisdom born of experience uttered by my Rt. Hon. Friend Mr. Sastri. There are also other ideas floating about, that the inspectorate in the Educational department could be reduced and that a large number of superannuated gentlemen might be requested to do the inspection. Now, I am not prepared to say that these ideas are all moonshine and absolutely impracticable. For the fact is that in dealing with the Congress I have never forgotten to remember that we are dealing with sources of new power in the country, which may work wonders unprecedented in world's history. It is only judging as men of the world and an average human nature that when dealing with questions of administration, we have to express our scepticism. I would ask my hon. Friend to say, how much he is going to save by this kind of cut in salaries and members of staffs and what efficiency is possible to extract from a staff of superannuated volunteers.



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"Then, Sir, there are also rumours that Government may withdraw from certain fields of education or cut short their commitments to a large extent. I am not attaching any value to these. I am basing what I say on one or two replies given by my Hon. Friend Dr. Subbarayan who on more than one occasion said that Government were considering the question of policy towards the different grades of education and so long as this consideration continues there is sure to be a large amount of nervousness. There are monopolies suggested and many other things. That is why I feel that by exploring the field carefully the Congress Ministry may find resources from which to meet the cost of prohibition. I do not say *a priori*, to meet such a cost is impossible; nor can I say *a priori* that it is very easy to meet. Certainly I will not say that at any cost a certain reform must be made whatever happens to the Presidency and its finances. I only plead, as did my hon. Friend Dr. Thomas, that Government would be pleased to come with a big balance-sheet of the losses and gains of the great things they hope to achieve, the cost thereof and the pains and penalties that this labour of reform will entail on our Presidency. Without some such balance-sheet in view, our Congress Government from which we expected so much will be only following the rather routine ways of the previous Governments and merely living as it were from hand to mouth. I therefore view the situation as unfolded by my Hon. Friend, the Prime Minister with mingled hope and fear, but I have confidence in him, a confidence based not merely on such small personal knowledge as I possess, that is neither here nor there, on the two things to which I have already referred, namely, the cautious and the conservative turn which he has given to the administration and secondly to the declarations of financial principles and maxims which I trust he will employ as his regulating principles. I some times wonder if they are really his regulating principles, or whether they are anaesthetics under which he is going to put the patient to sleep and lull him into insensitivity while he is carrying on his dangerous operation at any cost. I hope my apprehensions are wrong.

3 p.m.

"I hope I am in the wrong. In so far as he follows this cautious policy he need expect opposition from none except from his own Congress Socialists. I do trust that in the years to come we should have reason to bless the Congress Government. There they are and they need fear no opposition in this Council. Their life need not be insured and it will be long. They need fear no opposition in the country. They are not like interim Governments which have to do their beneficent actions in haste. They can do it in their own time, look round and prepare their schemes comprehensively. I think they need not dislocate either the administrative organization of the country or its finance. Sir, one more personal note and I am done. That is this. I am aware of the talent that is behind the Congress. It is under the inspiration of the greatest brain that the country has produced. We may differ and we may argue but we cannot withhold our respect. There must be a lot of youthful talent here. I, as an old man and an old professor take delight in youthful talent unfolding and displaying itself. But I am rather disappointed that more of the young men out there have not

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taken part in this debate. I should have expected that more of our youthful members of the Congress would have taken part in this debate. But my hon. Friend shows signs of being tired and so to oblige him and others, I will resume my seat."

\* MR. M. NARAYANA MENON :—"The budget that we are considering is the first of its kind in the annals of Indian legislature. As we read it we find in it a statement of clear-cut and definite policy. It has got a thoroughly nationalistic outlook and is loyal to the nation-building programme laid by the Congress. I shall show very definitely with reference to what the figures show that Congress orientation is sufficiently visible all through the budget. Beginning with the allotment of money for medical and public health activities 14 lakhs of rupees have been allotted this year over and above what was allotted in the previous years. Similarly by introducing prohibition 13 lakhs of rupees go into the poor man's pocket. Referring to the prosperity of the poor peasantry we see that there is an attempt at the removal of rural indebtedness. There is already a provision for the remission of 75 lakhs of rupees from revenue. That also goes into the pocket of the ryot and also the poor man. Then there are loans to be given to ryots at small rates of interest which leave something in their pocket. There are also loans for the purchase of agricultural implements and this year it will be noted that a sum of Rs. 18,400 has been allotted for the purpose, an increase of over 5,400 on what was allotted in the previous year. Then for the education of the agriculturist on up-to-date modern scientific farming, the following expenditure is being incurred: Experimental farms 1.37 lakhs, agricultural experiments 1.09 lakhs, public exhibition and fairs 11,000. There is also the facility for marketing provided at a cost of Rs. 36,000. Of this I may bring it to your notice that Rs. 17,000 is provincial contribution. Then again we have got special rural uplift schemes for Rs. 87,000 out of which Rs. 26,000 is the provincial contribution. Then again for veterinary services Rs. 75,000 has been demanded over and above what has been allotted in the previous year. Then again to provide supplemental income to the ryot a sum of 2 lakhs has been provided for the encouragement of handloom industry. All these things go to show that the Ministry has attempted to give a Congress orientation to the budget. The Premier has also pointed out in the Budget speech that increased allotments have been made for irrigation, education, medical, public health, agriculture, veterinary, co-operation and industries aggregating in all to 31½ lakhs which is far in excess of what has been allotted in previous years. Towards the solidarity of people speaking various languages an attempt has been made to introduce Hindi as compulsory subject in certain classes in the schools. We must congratulate the Ministry for having laid the foundation for a nation-building budget though they have not been able to build the whole edifice now. Of course they cannot do it in one day. Then as regards prohibition from the religious standpoint and also from the moral standpoint, it is admitted, that it is for the good of the country. But there is a warning sounded against it whether where America has failed it would be possible for India to succeed. I am

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pointing out now that the forces working for prohibition in Amercia were not sufficiently strong as in India where besides the religion and public opinion there is also the strong desire to be freed from foreign domination. I am sure these will give us sufficient support to fight against this drink habit. So I submit we will succeed. With regard to the method of work I need only point out that one gesture from the Leader will start an army of Congress workers throughout the Presidency who will give sufficient advice to persons who are dominated by the drink habit. That certainly shows that we need not spend much money over propaganda. Then we can make use of the cinemas and broadcasting for the purpose of educating the public in this matter. Another thing mentioned against it is the economic loss. I am asking whether the 4 crores collected as excise revenue is really a revenue or penalty for an act that is committed for which the Government is equally responsible. Government seems to be a conscious abetter of the act by providing shops and practically inviting people to drink. If this revenue is intended for distribution, as revenue generally is, for ameliorative acts it is better distributed by not collecting it, because it goes into the pocket of the families of these poor drunkards. Another question is what will you do without this money. I would only say cut your coat according to your cloth. That means there must be a thorough examination and reduction of the administrative expenses such as salaries, etc., under provincial excise, forest, motor vehicles taxation, general administration, administration of justice, university education and other expenses. That will provide us with some money. Then as regards the rate of salaries which we cannot touch or approach, the services themselves will come down from the height of their salaries and say that they do not want so much. I am sure that will be the result if the salaries of subordinate officers are reduced.

“Then I have one or two things to say about the remission of land-revenue. Of course the remission of 75 lakhs is not enough as it merely wipes away only the revenue enhanced by resettlement. As the Premier stated we must wait some time and make another attempt next year. Twenty-five per cent more reduction is expected by the people. What has been done is, as in reduction sales, where the actual price is first increased by fifty per cent and subsequently some reduction is offered to induce the purchasers. That sort of policy will not be followed by the Government. So far as Malabar is concerned I have to make one submission regarding the distribution of the 75 lakhs. There are certain instances of wrong classifications of soil and enhanced assessments on that account in Malabar. Such wrongs should be rectified and refund of revenues granted. Sometimes a whole survey or subdivision field of Paramba is assessed to revenue though it contains only a few trees which do not yield enough even for the payment of revenue. The whole field is assessed at the uniform rate and the entire assessment collected. Again lands are assessed as double-crop lands for the cultivation of which the ryots have to purchase water from private agencies. In such cases some reduction of revenue is necessary. Forest lands in Malabar which were before assessed as unoccupied dry and for which assessment was collected as and when they were collected

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are now permanently assessed though during some years they are not cultivated owing to climatic and other causes. Such instances are common in Wynaad taluk. That also has to be rectified. Then a word in regard to irrigation in Malabar. There is no irrigation work maintained in Malabar by the Government. We are left to the tender mercies of nature and the mercies of nature are as unreliable as human agencies. I request the Ministers concerned to pay pointed attention to this. One word regarding one difficulty which is felt throughout Malabar for the sale of agricultural products. We must have some proper tariff barriers against foreign imports of food grains. If that is done then alone will Malabar get proper price for its agricultural produce. One word more regarding the separation of judicial and executive functions. Whatever may be the Government in power, whether it is Congress Government or any other party Government there must be no political colouring at all in the trial of cases. So long as judiciary is not interfered with the decisions will be fair. Such interference must be put a stop to and this can be effected easily when Congress is in power. With these remarks I congratulate the Hon. the Finance Minister in having laid the foundation for a nation-building budget.”

\* DR. SIR K. V. REDDI NAYUDU:—“Mr. President, Sir, I wish to associate myself with the Members of this House, especially with my esteemed friends the Rt. Hon. Mr. Sastri and Dr. C. R. Reddi, in their felicitations to the Ministry. I too wish them well though not in the same language in which those two gentlemen have been able to give expression to their felicitations. The reason, Sir, is simply this: not that I yield to them in my respect and regard for the Minister—I know what respect ought to be paid to authority, not being one who is ignorant of things like that, but because, it is not given to everybody to have the silver-tongue of the world-famed orator or to have the gift of phrase-making of the Cambridge debater. As a plain speaking man, I offer my criticisms after them.” 3-15 p.m.

“Sir, of course, I belong to an opposite school of thought and, naturally, my expression of views would be somewhat different from that adopted by those who have preceded me. But it does not in the least mean that there is any hostility or antagonism in what I am about to say. Though I am not sitting in the official opposition benches and, though I am sitting here in a neutral group of my own however small it is, I still feel that I am of the opposition and from that position if I make a few remarks, I beseech hon. Members on the Treasury Bench, not to think that they come from any antagonism. If my views are not so sweet as those that have preceded me or, I have not been able to coat my pills with sugar as the doctors would do, it is because I am incapable of such art but I will be frank with them and I will request them to take my remarks in the spirit in which I offer them.

“Having said that, Mr. President, I shall now refer to the budget proper. I think it is the hon. Member from South Arcot that told us



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the day before yesterday that the Ministers are not conjurors or magicians. Of course we all agree with him. We also concede that the time at the disposal of the Ministry has been too short for them to make any extraordinary changes or sweeping changes; but still, it must be said to their credit that even within the short time at their disposal, they have been able to give what they call the Congress orientation to this budget. It is a different matter if I do not agree with them in their Congress orientation. I do differ from them and I am going presently to give my arguments against the suggestions that have been made and the proposals that have been included in the budget. Though they are not magicians of the type of what was being thought of by my hon. Friend from Cuddalore, still, it seems to me, Mr. President, that there is something in common between budgets and magic. Both of them change wonderfully rapidly. They suddenly change figures from one side to the other, from the debit side to the revenue side, even as the balls in the hands of the magician change from hand to hand and sometimes suddenly disappear altogether. It is not difficult to find examples of this in the present budget. Some-time ago, just before we handed over the keys of office (we have no seals of office—as you know Mr. President—we had only to hand over the keys of office), I remember to have seen a budget prepared for us in which the revenue was shown as something like 1,612.94 lakhs. Again, in the statement of demands for grants prepared in this book (demands for grants), if the first 30 demands are taken up and added together, the expenditure would come to something like 1,695 lakhs. But in the final paper presented to us as the Financial Statement, we find that it is 1,593 lakhs. Well, how these changes have been made, I do not know, nor do I suggest that there are any mistakes there. Probably they are all right. It is only the magician's wand, in this case the magician's pen, that will explain to us what is what, and how these figures have come differently like this. Another instance of this change—it has been made plain to all the House—is under the head 'Commutation of Pensions.' Here we see that the sum of Rs. 10,81,000 originally intended to be spent from revenue in the matter of the commutation of pensions has been transferred to the loan account, to capital expenditure. These are only some of the examples of what these magicians are capable of doing. They only know the truth and it is not easy for us to detect where we are wrong. Be that as it may. The final position is now clear. It is clear from the speech of the Hon. the Prime Minister and the statement given to us—I am referring to the White Paper—that 1,593 lakhs form the revenue and more or less the same sum is the expenditure leaving about Rs. 6,000 as the balance or to be more accurate Rs. 5,900.

“Now, Mr. President, before I proceed to the other criticisms which I have to offer, I shall say this: that however much we may admire the Micawberian frugality and ability to economise, it has not been customary in this Province to have such a small balance as that. For, nobody knows what contingencies might arise—not contingencies in the sense of having to purchase pencils, stationery and things like that. Some floods or other events might occur when the Government

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may be called upon to spend a large sum of money. Things like what happened at Guntur—I mean the cyclone, or any such events—might happen and the Government might be required to have some resources to fall back upon without having to go in for another loan.

“In the budget memorandum which the Secretary has prepared, it has been pointed out that as much as 560 lakhs were saved by the previous Governments during the last fifteen years. Before I proceed to comment on that, let me join the Hon. the Prime Minister in the compliment which he has paid to that able Secretary whom we see here to-day. He has been mostly, or must have been mostly responsible for all this financial jugglery which has enabled the Ministry to present a fine budget. Let me on this occasion inform the House that I am in a sense responsible to have him here to prepare this budget. He wanted to go on leave. I begged him not to do so. I induced the Governor to ask him to remain here and he agreed only on one condition and that is that he should be allowed to go on leave in November next. He has, for our sake, remained with us without going to England in December last. I thank him for that and for this budget as well though of course there is the Congress orientation and the finger of the Prime Minister visible in it throughout. I must congratulate also my esteemed friend the Leader of this House who I believe has managed to get all that he wanted and more than all his colleagues. He has secured about 13 lakhs of rupees for his hospitals, for sanitation and for public health and for village development. While I thank these two gentlemen, I must not forget to mention the debt that we owe to the services for all that they have done to us and also to the present Ministry.

“Sir, I was referring to the 550.92 lakhs which had accumulated from year to year. It is true that the previous Ministries have been blamed for not having spent all the money as the Provinces of Bombay and Bengal have done and asked for more money from the Government of India and got crores of rupees. The Chancellors of the Exchequer here did not follow that policy. They saved and saved and left us, a large sum of money. Our present expenditure on revenue account is Rs. 1,593.73 which is the only revenue we get. Another sum of Rs. 294 lakhs on capital account is also required. The Hon. the Prime Minister was pleased to give us the details of this. From his statement we gather that he requires 162 lakhs for electricity, irrigation and civil works. I have not been able to discover, Mr. President, what these civil works are. Of course, I admit it is my own fault. Anyway I hope he will enlighten us as to what civil works are. There is absolutely no objection to granting as much money as possible for works like electricity and irrigation which are productive works. These will bring in revenue and you can pay off not only the interest on the sum borrowed, but also save something for revenue purposes. But what these civil works are I am not able to follow. If they include buildings, roads and things like that, I would suggest that it is not a right policy. Of course it is not wrong to construct buildings with borrowed money if rent is to be recovered from the occupants thereof.

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They will then be productive works and there can be no objection to that. But if these buildings are going to house the collectors or hospitals and other such institutions, I would suggest that money borrowed should not be spent on works which do not bring in any return to the Government. These 162 lakhs are for irrigation, electricity and civil works. Then there is the 10 lakhs for commutation of pensions. There is next the sum of Rs. 40 lakhs for the Reserve Bank which must be there, and then there is the sum of 19.15 lakhs to be kept in the sub-treasuries. This sum will always be there to be used as occasion arises. There is then the sum of Rs. 75,52,000 for loans to agriculturists, local bodies and co-operative societies. Next there is an item of Rs. 23.57 lakhs and odd for returning deposits. The total of all these is 330.57 lakhs. They expect to collect a certain sum (Rs. 65 lakhs) from advances made reducing the total required to 294 lakhs. This amount I find will be covered by Rs. 150 lakhs—the amount of the loan, and Rs. 149 lakhs the cash balance at the end of last year (31st March 1937).

3.30  
p.m.

“A little while ago I was submitting that it has been the practice in this Government to keep a decent cash balance at the end of each year. What is the opening balance of this year would have been the closing balance of last year. Unfortunately for this year there is no closing balance, I am afraid, except this Rs. 5,900. Well, if it is the Micawberian shilling I have no quarrel with it. I am not an admirer of bloated budgets. There were bloated budgets in previous years and they were criticised. Even taking this as the Micawberian shilling one would have preferred to have a little more saving, not to purchase that bitter beer, but for some useful purpose, especially in our country beer may not be available hereafter.

“Now, Sir, I shall proceed to enter the subject straightaway. My friend Mr. Narayanaswami Nayudu has been very handsomely complimented by my friend Mr. C. R. Reddi though, unfortunately that compliment has lost its charm when he said that the remarks of my hon. Friend Mr. Narayanaswami Nayudu were irrelevant. Well, I say, with great respect to my esteemed friend Dr. Reddi, that they are relevant and I join him in his first portion in sincerely congratulating my hon. Friend Mr. Narayanaswami Nayudu on the maiden speech that he has made. Certainly it has reminded me of his great brother, the late lamented Mr. B. Muniswami Nayudu whom we have lost. My Friend Mr. Narayanaswami Nayudu asked a very pertinent question and that was ‘from whom are you going to recover this 4 crores of rupees?’; for it was definitely stated that this prohibition in Salem was not going to be an experiment, but it was a settled fact, and that it was the first stage of the journey that they set before themselves. Heaven knows where it may lead to. (A voice: ‘It may lead to your coming to the Treasury Bench again.’) No, no. Let us hope that they will continue in office for a long time. I have not the slightest doubt of that. I want them to be Ministers for a pretty long time. Well, Sir, be that as it may. Mr. Narayanaswami Nayudu has put another question

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‘what have you done for the agriculturists and the peasants?’ I believe he put a question to that effect, though he did not put it in so many words. The only two things that Government have done and for which they can take credit are these:—(1) Rs. 75 lakhs for what they call land revenue concession and (2) Rs. 30 lakhs for giving as loan for relieving the indebtedness of the ryots. May I be permitted to state, Mr. President, that these were there even before the present Ministers came into power? We took charge as interim Ministers on the 1st April. Twenty-three days afterwards, i.e., on the 23rd April, the Government of Madras, as it was then constituted, passed an order with His Excellency the Governor in the Chair and all the Members of the Cabinet being present, to the effect that the concession given to the ryots would be not merely a concession but it was given as a reduction in the tax—as a permanent reduction. Instructions were issued to the Marjoribanks Committee requesting them to find out the best way of distributing this money. Their report was received a few days before we left office and we accepted their report to the effect that a sum of Rs. 75 lakhs would have to go to the benefit of the ryots and the agriculturists. They found that according to their scheme only Rs. 68 lakhs would have to be spent and said that there was a balance of Rs. 6 or Rs. 7 lakhs. It was ordered by us that this sum should be given to local bodies as compensation for the loss of cess that they would sustain if the land revenue-tax was reduced. When the land-tax is reduced there must be a corresponding reduction in the cess collected by local bodies also. The Hon. the Prime Minister was telling us the other day that it had not yet been decided how to distribute this sum of Rs. 75 lakhs. I do not know if it is the intention of the Government to ignore the decision of the previous Government. I do not say that they have not got the power to do so. They can do it. But it will be an unprecedented thing and it is a thing which they will have to remember when their own term of office comes to an end and when they have to resign and go out of office. They will have to remember that their successors also may do the same thing however long they might have been in office. (A voice: ‘We are not afraid of that.’) I am not asking you to be afraid of that. I am asking you only to remember that.

“Having said that, there is another matter to which I should like to refer and that is this: a claim is said to have been made by the Hon. Prime Minister—he is reported to have said so—regarding the success and promptitude with which the call for the recent loan was responded to. This is what he is reported to have said:—

‘Apart from arguments, financiers, banks and investors have shown this week, that they take a view of our financial position very different from the hon. Member Mr. Basheer Ahmed. They do not think that we are offending against the principles of public finance. They have subscribed in cash Rs. 5 crores in response to our appeal for a loan of Rs. 1½ crores. I take that this substantial approval by the investors of our province and outside is the best testimony on the matter whether we are borrowing rightly or wrongly.’

“With great respect and without the least intention to attack the Hon. Premier I must say that that is not the right attitude for the

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Ministers to take. I am one of those who think 'Render unto Ceaser that which is Ceaser's'. That which is not Ceaser's ought not to be given to Ceaser. Sir, at the time when the loan was subscribed, people did not know what would be done in the budget. The budget was known only on 1st September and the loan was subscribed a day previous to this. If the people had readily come forward and largely contributed, it was because of what their predecessors had done. (Voices 'Oh.') I know that for years they have accumulated 5 crores and 50 lakhs of rupees and fortified the financial position of the province. The previous Government entered into an arrangement with the Government of India according to which they were paying a certain annual amount towards the principal and interest, and made it possible for the present Ministers here to get on with this budget so easily and so rapidly. There are other reasons also for the ready response to this loan. It is not merely confidence of the public that brought in this large amount of loan. It is due to the large amount of money that has been saved by the public and which has been kept idle for want of safe investment. Money markets find it very easy to get large sums of money. Banks do not receive money for anything more than 2 per cent or 2½ per cent interest. The Imperial Bank possibly gives 1½ per cent. There are other banks which refuse to give 1½ per cent. Investors of money could not go in for lands. In former times the investment on lands was profitable, but as the prices of commodities have fallen and consequently the land value also has gone down, the investors are now unwilling to invest their money on lands. The result is that the investors are able to find only one or two sources of investment. So even if the Premier had offered 2½ per cent, he would have got the money considering the present circumstances. Therefore the claim that the policy of the present Government has been accepted as sound is not in my opinion a fair and reasonable claim.

"Mr. President, I shall now turn to a few specific items in the budget. Somehow or other an impression is left in the minds of some, not necessarily prejudiced, that there has been a sort of hurry or hastiness with which the Ministers have been throwing out their orders. In fact these orders are fired out with the rapidity of a machine gun every day. Only you will have to open the day's newspapers and you will find something or other quite unexpected. Here some prisoners are released, even prisoners who are still under trial or who were convicted only yesterday or three days ago. Then there goes about an order making the teaching of Hindi compulsory. But there is no provision made in the budget for giving effect to it. These orders are issued so rapidly that one cannot but wonder at them. May I, in all humility, say that it will do them no wrong if they take a little more time and give the subjects a fuller consideration which is due to them. Not that they are wrong, not that they are necessarily objectionable to the public, but that the impression that the Government are going too hastily is not to be allowed. I think they ought to take a little more time in considering these matters. That is, however, a matter entirely for their consideration.

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"Now, Sir, I was referring to a few subjects—these are release of political prisoners, the introduction of Hindi as a compulsory subject in the lower classes, the cancellation of District Judges' orders, dismissal of minor officers even without the knowledge of the heads of the departments concerned, cut in salaries of Government servants, khaddar and lastly prohibition of drink. Over all these subjects I am not going to spend much time. As regards the release of political prisoners, I have already pointed out that these orders are going about with rather too much rapidity. I have put two questions on this subject—unfortunately the Government have not yet been able to answer them as of course it will take some time for them to get their answers—and if answers to those questions had been here, it would be of some use for the consideration of these points. I will mention only one point in this connexion. I mean that on account of this haste, the Hon. Ministers have not realized the consequences of this rapid release. Even if they have not examined the cases, they have power under certain sections of the Criminal Procedure Code to cancel those orders. Whatever it is, the consequences in the country are entirely different. The impression is gaining ground that anything can be done under the present regime, and only if a Congress worker goes and tells a word on behalf of a political prisoner, that prisoner will be released at once. Well, not that it is correct. I do not in the least suggest that. But the belief is there in the public mind. In this connexion I would like to give only one illustration. I do not know if it has been brought to the notice of Hon. Ministers of Government. But a very reliable person has told me—probably it appeared in the newspapers—that a very amusing thing had happened in the town of Guntur. The Collector of the district was going round the town in a car on account of cholera inspection because he wanted to see whether officers on duty were giving sufficient relief. But when he was returning home a number of people were cheering him as heartily as they would cheer my Hon. Friend the Premier. Here probably the Collector was wondering within himself as to what could be the cause for such cheering. But the explanation was clear. When he went home on turning back to his car, he found a placard hanging at the back of his car with these words: 'Long live revolution.' Well, consider the spirit in which this mischief was done. We do not say whether this was due to the ideas of social revolution or political revolution. All that was on the placard was 'Long live revolution.' I would submit that this must have reduced the respect which the Collector would have commanded otherwise. When this respect for authority is lost, how is it possible for these officers to carry on their duties without fear or favour? Are such things to be allowed to go on and is it not necessary that some check should be placed? That is possible only for those in authority. Apart from the personal respect which the Hon. Minister commands, his authority is obeyed in all his camps throughout the country. A word from him that one should stop doing such and such a thing would stop it. I do not mean by quoting this illustration that revolution would follow but once the respect for law and order is gone, I think confusion and chaos will be the only result.

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3-45 p.m. " Mr. President, I have spoken at some other place as regards the compulsory teaching of Hindi and I do not propose to repeat those arguments. I would only say that the feeling in the country has been sufficiently expressed and it is not wise to flout public feeling. In the Prime Minister's own native town of Salem meetings were held at which resolutions were passed against the compulsory teaching of Hindi. As I said at another place, I do not object to Hindi being an optional subject but I object to its being made a compulsory subject against the will of the people.

" Mr. President, with regard to the cut in salaries my esteemed friend Dr. Ramalinga Reddi and my other esteemed friend, the Rt. Hon. Mr. Sastri, have sounded a note of warning which I consider sufficient. I could give some more arguments but as the time at my disposal is short I proceed to more important aspects. The Hon. the Prime Minister in his speech expected loyalty and efficiency from the services. Well, Sir, in my opinion however patriotic a man may be, to introduce a cut in his salary will not be conducive to his loyalty. To cut down a man's salary and ask him to be loyal is to expect him to do two contradictory things. Apart from that, the idea seems to be, as pointed out by Mr. Thomas, that there should be equal distribution of wealth and that there should be an equal level of standard of living between, let us say, the lower middle classes or the proletariat and the official classes. Equality will not be gained by lowering the standard of living of the official classes. It would be gained by raising the standard of living of the proletariat, the lower classes. You should try to raise the standard of those that are below instead of trying to bring down the standard of those that are a bit high to-day to the lower level. No doubt it may be the Russian method. But we are told that in Russia equality is secured, every man is given the same kind of food and same kind of clothing. That sort of equality can be secured by increasing the national wealth. In Russia they have introduced so much machinery from foreign countries, they have had their five-year plan and ten-year plan, that to-day it is said that in the United States of Russia, Ukraine in particular, they are producing much more than the rest of Europe. In this country, if our Hon. the Prime Minister and his colleagues instead of trying to lower the standard of living of the official classes, try to raise the standard of living of the proletariat and for that purpose introduce machinery and compete with the rest of the world and see that we make goods in this country which are required in other countries and thereby increase the national wealth of the country, it will be well and good.

" Sir, I wish now to say a word about khaddar. Much has been said about it and I do not propose to repeat the arguments that have been advanced. I belong to a different school of thought; I do not believe in khaddar. I believe in machinery if only to compete with foreign nations. It is essential that we should show to them that we are equal to them in every respect. Unless you fight them with their own weapons it will not be possible for you to succeed in this direction.

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Take the case of Turkey. Turkey is respected to-day, but at one time it was the laughing stock of Europe. What has Kemal Pasha done for his country? Turkey is to-day respected even by such dictators as Mussolini and Hitler. A small country with a small army, Kemal Pasha has been able to win independence for it. At a time when all their allies were defeated, when a foreign army of the British and the French were on their own soil, Turkey stood firm under the leadership of Kemal Pasha and won back her independence. Kemal Pasha was able to do this because he placed before himself the ideals of Western Europe. Even the Fez cap he would not allow; only the British or the French hat should be worn. We may have anything for our clothes, I do not mind it. But when it comes to a question of food and living and homes, we should strive to maintain European standards. How many people are there in the City of Madras roaming and sleeping in the streets themselves? If something is done to enable them to find a home, would it not be raising the standard of living? (The Hon. Mr. C. Rajagopalachariar: 'What did you do?') We were not able to do anything. I never said that I have done it. I am only putting it the other way. It is certainly not any claim on our part. It is only a request to you to do something for them.

" Sir, with regard to the provision of Rs. 2 lakhs for hand-spinning, in answer to a question the Prime Minister said that he would see that every pie of the grant went to the spinners. I admire his robust optimism. But I would like to ask him whether this would go to the hands of the All-India Spinners' Association. Well Sir, I know nothing personally of this All-India Spinners' Association, but it has been brought to my notice that this association or at any rate some of its branches or their agents collect a sort of fee—say one or two annas—on every piece brought to them for the purpose of putting the mark on it with a view to declaring it genuine khaddar. Well, Sir, it is a tax, if this is true. They have been collecting this tax. If I am wrong I am open to correction."

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is not correct."

DR. SIR K. V. REDDI NAYUDU:—"In any case instead of entrusting this money to a body whose name has been associated with this stamping—I would not go further than that because I have seen the stamp myself—I would suggest that official agency alone might be utilized.

"I shall now come to the question of prohibition. Compliments have been paid admiring the intentions of the Government to make men moral and their condition economically sound. We are also told that for Rs. 26 lakhs that we are going to lose in Salem the people concerned will be benefited to the extent of Rs. 1 crore. That has been questioned by my hon. Friend, Dr. C. R. Reddi, though not definitely but in a certain manner. Be that as it may, may I ask whether it is really possible to achieve the object in view? Man will drink. You

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may leave it there. Rama drank and the great poet Valmiki himself said: 'When Rama lost Sita he was so unhappy, so distressed that he did not even drink the soma juice. It was only when Rama lost his wife that he gave expression to his sorrow by refusing to take the soma juice.' Of course, hon. Members know that I do not recommend drinking. But what the Government want to do must be a feasible thing. I will come to the practical difficulties thereof. You and I attend our clubs, go to the cinemas and theatres, play bridge and golf. What is the enjoyment of the poor fellow in the field? It is drink. It is that and that alone that gives him some joy. I ask: Why do you deprive him of his only joy? Opinions differ about the effects of drink; some say it is bad for health while others say it is good for health. The man is dead tired after a day's work and he has no recreation and therefore he drinks if only to recuperate himself. Unless it becomes the fashion that nobody should speak against prohibition lest he should be mistaken for a drunkard, I do not see why this man should not be given this convenience when there is no other recreation for him. That is only one aspect of the case. But the greatest point is finance and that is the rock on which this ship of administration and financial stability is bound to wreck. It is all very well to try to teach morality by statute, by executive orders, but the example of America is a warning to us. Bootleggers and gangsters will come into existence perhaps. It is only then that we will realize the mistake. The experiment has been tried in America and it has failed there. Even to-day when there is a big excise and police force there are hundreds of places where illicit arrack is manufactured and sold. What will happen if you stop the regular sales? As I said, man will drink. He will drink methylated spirit and ruin himself. He will brew his own liquor in his backyard. It is said we are not going to have a separate Government force to enforce prohibition. The Rt. Hon. Sastri yesterday said that we should not appoint private agencies for this purpose. There cannot be a greater danger, Mr. President, than appointing private agencies to do this work of detecting and reporting illicit manufacture and sale.

"Sir, what has happened again at Guntur? The Hon. Dr. Rajan was, I believe, at Guntur on one of these occasions. Four days after he left, when the District Medical Officer was sitting in his office a volunteer who called himself the agent of the Minister entered his office and said: 'Look here, District Medical Officer, will you please send two sanitary inspectors with a few bottles of medicine to house number so and so in ward number so and so?' The poor man, the District Medical Officer, was stunned. He did not know what to say. This agent said he had instructions to send a report to the Minister, every three or four days.

4 p.m. "Well, Sir, put yourself in the place of that District Medical Officer, and see whether it will be possible for any one to carry on his duties efficiently and loyally. How can the officer know that this agent was really sent by the Minister? If one man can do that, why

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not others and if this happened in a small matter like this, what would happen if you ask private agencies to discover cases of illicit manufacture of liquor? In districts like the Ceded districts where people kill each other on the slightest provocation, and where private animosities lead to such acts, this would be a weapon in their hands whereby they can try to smash one another . . ."

RAO BAHADUR V. VASANTA RAO:—"That is due to drink."

DR. SIR K. V. REDDI NAYUDU:—"It may be due to drink. I do not deny that. But it is an exaggeration to say that our people are all drunkards; our friends on the opposite benches do not make a distinction between drinkers and drunkards. The mere fact that we are getting Rs. 4 crores is not a test to show that the drink is in a proportionate degree. The policy of this Government has been for a long time to secure maximum of revenue and minimum of consumption. Though there has been increase of revenue from year to year, it is hoped that by the rise in prices, drink would be really lessened; so, it is wrong to suppose that everybody is drinking and that everybody is a drunkard. There is a sort of feeling that if one takes a glass of whisky or a glass of toddy, he should at once be put down as a drunkard. Certainly there is distinction between drinkers and actual drunkards; you are speaking of both drinkers and drunkards; as I said, this matter is beset with gravest consequences. The Ministry has attempted this, without having devised plans for recouping the revenue and replacing the income that would be lost by enforcing prohibition. It is not a small sum of money; it is four crores of rupees, one-fourth of our total revenue. I should think, Sir, that much more thought should have been bestowed on the subject. The principle may be to their conviction; let them also remember that there are others who do not generally share that conviction; it is not the universal opinion. There may be some people who are drinkers; let us not mistake them all as drunkards. There are people who drink for the mere pleasure of it because they have no other recreation. There are people who drink for their health. If you impose restrictions upon that kind of drink, what prevents you from restricting or imposing restrictions upon food? Can you call it foresight or great reform, or great mission which will bring great name and great fame to this country? Wishing is a different matter from accomplishing it actually. How many of those that are eating meat and fish to-day will come forward and say they will not eat them hereafter? What is it that prevents people from drinking, is it law, and do you expect them to accept that law? Is this the freedom that you are going to give us? We have been fighting for freedom all our life, freedom of thought, freedom of action and freedom of the press. I should think that you should allow people to drink, if it is to their advantage. There are of course drunkards in the country, losing a lot of money and losing their health. Their number is infinitesimally small. Just go to a village and ask any respectable citizen how many drunkards there are in the village; he

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can point out to only two or three men. For the sake of these three men, much loss of revenue will have to be incurred; I shall refer to this point later on.

"In a portion of the speech of the Hon. the Prime Minister, reference has been made to an unfortunate matter; I would request him to take my remarks in the spirit in which I offer them and not to mistake them as proceeding from antagonism or animosity. I refer to his speech at page 5, paragraph 2. He finds fault with the previous Government, not exactly the Interim Ministry, but the Government before 1st April. We are not having sufficient moneys for improving and utilizing for all the schemes which we would like to introduce here and now. He says:—(fifth line, second paragraph)—

'The surplus available for schemes of new expenditure was thus a sum of 16.25 lakhs only. The main reason, we found, for the small size of this surplus in spite of the saving of 33 lakhs in debt charges owing to the consolidation of debt was that this saving had been largely *mortgaged*—mark the word "*mortgaged*"—by our predecessors in advance. In September and December 1936 a large number of new schemes, which *under the normal financial procedure*—mark the words "*under the normal financial procedure*"—should have been made to stand their chance along with other Part II schemes for consideration in connexion with the Budget for 1937-38, were introduced by means of *supplementary grants*—please mark the words "*supplementary grants*" and voted by the old Legislative Council. The cost of the schemes so sanctioned which had to be met from current revenues was estimated at 14.01 lakhs recurring and 28.94 lakhs non-recurring, the latter to be spread over a few years. It was of course known that the expenditure which would be incurred in the year 1936-37 would be *trifling*—please mark the word "*trifling*"—but the provision which had to be made on that account in Part I of the Budget for 1937-38 amounted to 19.75 lakhs.'

"In the next paragraph he expressed a sense of pity. He says that the policy adopted by the previous Government was wrong; he says 'it is a pity' and he enunciated the principle that the general rule was not observed in 1936. Mr. President, Sir, without in the least meaning to be offensive, I consider this as an insult to the previous Ministry and the previous Legislative Council. It is uncharitable, as uncharitable as it is unprecedented. It is as unfair as it is insinuating; the insinuations are clear on the face of it. We are told that we have '*mortgaged*,' even as the son would blame his father if the latter left nothing for him, even as the son would blame or curse his father in such circumstances. We are told also that the procedure which we adopted was wrong. The Prime Minister says that it was not ordinary procedure, not to come forward with the schemes at the time of the budget but come in with supplementary grants. The previous Government asked for only a small sum of money, as if to say that they hoodwinked the Council. Even though several lakhs or a crore and odd are required, Sir, we usually ask for a token grant of Rs. 100. Mr. President, Sir, this is a very unprecedented attack. During my political career of nearly 40 years, I have never come across any case in which the incoming Ministry has made such charges against a previous Ministry. Those who were Ministers at that time, are not before the House now, those Executive Councillors are not in this House to-day; one has gone away to England, another has been

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on other duty; two Ministers were not at all elected and it is left to my unfortunate lot to bring this to the notice of the House and of the Hon. the Prime Minister, just to show how much we have been feeling in this matter and how we have to protest against his statement. The old Legislative Council passed all these grants. Have they mortgaged the assets of the province for a large sum of money? Is it a greater sum than the sum of 4 crores for which you are mortgaging those assets to-day? May I not ask in all anxiety if you are not mortgaging one-fourth of the revenues of the province? Compare the great loss of revenue you are incurring. You may be able to replace a few lakhs of rupees. The scheme we have provided for, is a '*mortgage*' for a small sum of money, when compared with 4 crores for which you are mortgaging. Then, Mr. President, we are told that we have followed an unusual procedure. I do not know what the experience of the Hon. the Prime Minister is in that matter. I have been in the Councils of the country for at least 20 years and I know not a single year passes in which supplementary grants have not been asked for. There were monies available and monies could be utilized for many useful schemes. I shall give a specific instance. It was I that asked for a grant of Rs. 100 for electricity purposes, for the purpose of developing electricity, especially for constructing power-houses, one in Bezwada and another at Vizagapatam and for similar purposes which may not cost us more than 30 or 35 lakhs each. Well, there was the explanatory statement circulated among the Members at the time. Those statements were placed on the table of the House; the Members could not be said to have not gone through them; it cannot be said that they never cared to read those papers. The moment I asked the Council, it was willing and ready to make the grant, because there was great demand for the development of electricity in the province; there were complaints that all electrical works were confined to the southern districts. It was not the fault of the Government that Pykara was in the West Coast and was easily available to the south, and it was easy to develop electrical schemes there; people in the northern districts raised a huge complaint and asked the Government to see that something was done for them; we accordingly calculated the cost of the scheme and we of course asked for a token grant of Rs. 100 as usual. Did we play a trick with the Council? The word '*trifling*' is used by the Premier. Rs. 100 may be a trifling amount; it cannot be that the hon. Members did not know anything about it; the whole scheme was in black and white. The insinuation is clear. On the top of it, there is '*pity*' coming in. With great respect, may I say that we do not need his pity and that we have not done anything wrong. We did what all Ministries had done before us. I am also sure that hereafter you will come forward with these additional grants in the near future, though not in this very year, certainly in the next year; and from year to year these supplementary grants will be asked for. Human intelligence is limited . . ."

Dr. C. RAMALINGA REDDI:—"May I interrupt the hon. Member?"



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DR. SIR K. V. REDDI NAYUDU:—"I do not yield the floor. May I remind the hon. Member of the words he addressed to the Hon. Member, Mr. Prakasam?"

DR. C. RAMALINGA REDDI:—"On a matter of personal explanation, Sir. What I objected to was to the Hon. Mr. Prakasam making remarks sitting; I meant that it was legitimate to get up and interrupt an hon. Member; this is what I am doing now."

DR. SIR K. V. REDDI NAYUDU:—"To resume my speech, I must point out that it is uncharitable to make those charges; these charges are not at all necessary or warranted. Everybody knows that the present Ministry has been in office only for a month; everybody knows that it will be a difficult matter for the new Ministry to go into the depths of the financial sea in a short time; it is not an easy matter. As I have already stated, within the short time they have been in office, it is creditable to them that they have done so much; it was not expected. But it would have been quite sufficient for the Finance Minister to say that funds are not available this year and it was unnecessary to level charges at the previous Government. True the Hon. the Prime Minister did not have sufficient money in his hands to carry on many schemes. I should be very glad indeed if he will tell us that he did not mean the insinuations which are there on the face of his statement."

4-15 p.m. \* MR. K. P. MALLIKARJUNUDU:—"Mr. President, Sir, it gave me great pleasure to witness the spectacle of a Finance Minister really responsible to the legislature presenting his Budget before an assemblage of the real representatives of the people."

\* MR. PRESIDENT:—"Will the hon. Member raise his voice a little so that others may hear him?"

MR. K. P. MALLIKARJUNUDU:—"Yes, Sir, my pleasure was all the more enhanced by the fact that our revered leader whose qualities of head and heart have been known not only throughout the presidency but the whole of India, happened to present the Budget. It is a happy augury that notwithstanding the fact that it is hardly two months since the new Government assumed the reins of office, they were able to present a balanced budget. Representing as he does the greatest national organization which is wedded to the abolition of the drink evil, encouragement of khaddar and rural reconstruction, the foundations of moral, social and economic regeneration of India, the Hon. the Finance Minister rightly made provision for those purposes. Even as satva, rajas and thamas constitute the primordial matter, the three factors mentioned above constitute the basic policy of the Congress. As our revered leader is a great moral force in the country, the Hon. the Finance Minister was the first to lead the way towards the introduction of prohibition. All are agreed that drink is an evil and that it should be eradicated sooner or later, but doubts and misgivings

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have been entertained in many quarters as to the feasibility of the prohibition programme both from the financial and practical standpoints. I am not now concerned with the prospects of making it a success from the practical point of view since I believe that with the help of the public servants and co-operation of the people it can be made a grand success.

"Coming now to the financial aspect of the matter, the problem presents obvious difficulties which seem insurmountable and ways and means have to be found for surmounting those difficulties. The question now arises as to how to finance the prohibition programme. A great leeway has to be made up as a result of the loss in excise revenue. In this connexion several suggestions have been put forward which may be dismissed from our consideration. But the scheme proposed in an article which appeared some time back in the *Indian Express*, namely to nationalize things like insurance, transport and cinemas and the like, is, I submit a speculative one, and to launch on a scheme of prohibition placing reliance on such uncertain factors in order to make good the loss of revenue from excise is rather hazardous and will get us into unknown waters. An hon. Member, the other day suggested that a capital levy might be imposed in order to finance it, but it is not at all practicable under the present circumstances. If you examine the history of capital levy in other countries, you will find that it is resorted to only in connexion with repayment of debt and not for financing ordinary programmes. Capital levy is generally imposed when there is a rise in prices and when interest charges are high. Under the existing circumstances of economic depression, I submit it is not a useful remedy. Moreover, capital levy is not an annual one but a periodical one, though sometimes it is spread over a number of years. It is not a popular levy. Therefore the suggestion to impose a capital levy may be rejected altogether.

"Then, Sir, as hon. Members are aware, there are only two other methods by which this programme can be financed, one is by retrenchment and the other by the imposition of taxes. But, before we think of imposing new taxes, all avenues of retrenchment should have been fully and thoroughly explored. I would therefore take up the subject of retrenchment first.

"Sir, in the year 1929-30, our revenues were as high as, if not more than, 18 crores and in the succeeding years there was a fall of 2½ crores and that fall mainly occurred under the head of Excise. Even then the Government was able to maintain financial equilibrium, but it may be stated that the Budget was then balanced on account of the revenue surplus accumulated over a long number of years. It is true, but I would like to submit that those revenue balances were either misused by the previous Governments or allowed to evaporate like camphor. The hon. Sir K. V. Reddi stated that the accumulated revenue balances rose to such a high figure as 6 crores. Yes, it is a fact, but I do not think it will be relevant on my part to go into the details of the way

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in which they have been used. I would however like to refer to one or two points in that connexion. You know, Sir, that according to the agreement entered into by the Madras Government with the Reserve Bank there should be a minimum balance of 40 lakhs and if you examine the agreement entered into by the Bombay Government with the Reserve Bank, the revenues of which and the expenditure of which are nearly three-fourths of those of our province, you will find there that the minimum balance in the Reserve Bank was only 15 or 16 lakhs. While matters stand alike that, I could not understand why such a large figure as 40 lakhs has been allotted as the minimum to be kept in the Reserve Bank. Therefore a reduction of 20 lakhs could have been made in respect of the reserve, which reduction would have enabled the present Government to reduce their borrowing by that amount.

"Then, Sir, another act of sabotage on the part of the Government is the passing of section 7 of the Famine Relief Act. Originally the minimum that could be kept in the Fund was 40 lakhs and as a result of the amendment it was raised to 60 lakhs. This 20 lakhs should have gone in reduction of the present debt. So much about the utilization of the balances by the previous Governments.

"I now come to the proposals with regard to retrenchment. Sir, the present Government has rightly and wisely made provision for the transfer to capital of the expenditure on commuted value of pensions. Some hon. Members have criticized the proposal as being opposed to canons of sound finance, but I am sure it is in consonance with the principles of sound finance. I do not want to deal elaborately with this question, but it is sufficient to say that it is quite in keeping with principles and canons of sound finance. I would likewise request Government to transfer the expenditure on extensions and improvements to productive irrigation works to capital from revenue account. That would give us a saving of 10 lakhs. Those items are found under Demand VII and Revenue Major Head XVII, Expenditure Major Heads 18 and 19. It may be urged in this connexion that those improvements which are not productive cannot be charged to capital and must be charged to revenue. As a matter of general principle, I agree to that, but under present circumstances they can very well be transferred to capital from revenue account. The capital invested on productive irrigation works is something like 15 crores of rupees and the net return therefrom is 125 lakhs, which works out at 9 per cent per annum. Therefore I submit that expenditure incurred in regard to extensions and improvements, if added to capital, would still produce a saving of 9 lakhs per year according to our standpoint. Here I would submit that our standard of productivity must undergo a change and I respectfully submit that at the present time it is very high. If you take into consideration the return of 9 per cent from productive works, the expenditure now charged to revenue on extensions and improvements can be very well transferred to the head of capital. Then, Sir, there is a saving of 20 lakhs on account of the separation of Orissa, and as

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a result of the Otto Niemeyer award and the resultant decentralization of balances and the consolidation of debt, there is another saving of more than 20 lakhs; and even giving some allowance to interest charges on the new loan, there may be a saving of more than 20 lakhs. Then there is the question of expenditure incurred on allowances, travelling, compensatory and special pays which amount to more than a crore of rupees. There was an increase of 30 lakhs in 1921-22 and a saving of 25 lakhs can be effected under this account now. Again in regard to the expenditure incurred on contingencies, supplies and services, a reduction of 20 lakhs is possible.

"I do not want to take up the much debated question, namely, the question of salaries of officials. The case has been so ably argued by the Prime Minister that I do not try to improve upon it, except to say a few things. The total salary bill comes to 7 crores apart from allowances and special pays. In 1921-22 after the introduction of the Montford Reforms there was an increase of 190 lakhs and another increase of 90 lakhs after the abolition of provincial contributions. So, as compared with the figures before the introduction of the Montford Reforms, the increase in the salary bills comes to nearly 3 crores of rupees. I submit there are difficulties in the way of reduction of salaries of officials. I am not unaware of the constitutional and other difficulties of the situation and I am not going to make any reference to them now. I would only say that on that account a reduction of 45 lakhs is possible. Even taking salaries above Rs. 80 a month or less, the amount would come to 4 crores and in the case of those getting more than Rs. 80 a month, it would amount to 3 crores. A cut which would work out at an average of 15 per cent will give a saving of 45 lakhs. I submit it is not much when compared with the salary cut imposed in 1931-32 and then there was only a saving of 40 lakhs. According to my proposals of retrenchment I expect there would be a saving of 190 lakhs.

"One word about taxation, Sir, . . ."

4-30  
p.m.

(The bell was rung and the hon. Member resumed his seat.)

\* MR. PRESIDENT:—"The hon. Member had better finish his sentence."

MR. K. P. MALLIKARJUNUDU:—"The hon. Member Mr. Thomas proposed the imposition of a sales tax and I agree with him in that proposal. In that connexion I wish to state that that system has been adopted in countries like France, Germany and Austria and the imposition of a sales tax in those countries had contributed about 25 per cent of the total revenues. I expect that the total production in Madras would be about 200 crores and an average tax of 2 per cent over the transactions will bring about 4 crores with which we can easily finance our schemes. The difficulty is with regard to collection but they can be overcome. Further, Sir, the tax is not proved to be regressive in its incidence as is contended. The abolition of drink in



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one district puts into the pockets of the poor something like one crore. If you take 4 crores out of the 16 crores it will not be too much and that argument cannot be applied. Taking these proposals together which give us nearly 490 lakhs savings we can also finance the reductions in land revenue. By retrenchment we get 190 lakhs and by sales tax we get 300 lakhs thus making a total of 490 lakhs. The gross income from excise is 400 lakhs and deducting 30 lakhs for collection the net income will be 370 lakhs. We thus get a balance of 120 lakhs with which we can tackle the land revenue problem. Without going much into the details I would suggest that with this balance of 120 lakhs plus the tax on agricultural incomes we can have a bigger rate of reduction in land revenue."

\* MR. N. R. SAMIAPPA MUDALIYAR:—"Mr. President, Sir, I must confess at the outset that the budget proposal with regard to remission of land revenue is most disappointing. If I refer to this matter now, notwithstanding the fact that the Premier has counselled us to be patient, it is only with a view to impress upon him that this question is not one which can wait. I do not think, Sir, any elaborate argument is necessary for convincing this House about the immediate necessity of reducing the burden on land. In fact it was the main promise on which every one of us sought the suffrage of the people. The electorate cannot be stated to have been attracted so much by the rest of the Congress programme because 99 per cent of them did not know what it was. The Hon. the Premier himself has stated:

'We are fully aware that the burden of the land revenue assessment is heavy, but the grant of relief on a scale which would be of material assistance to the individual small ryot would involve such a dislocation of the budget of the Province that not even a beginning could be made with other ameliorative measures and reforms for the well-being of the masses which in the opinion of the Government are of great and urgent importance, and which it would not be right thus for the Government to disable itself from undertaking.'

"I would like to ask, Sir, why the agriculturist was not taken into consideration in the orientation of the Congress Budget. It was stated that provision has been made for the grant of remission to the extent of Rs. 75 lakhs. I must state, Sir, that the present Government cannot take credit for the 75 lakhs provision made in the budget. Because as just now stated by my hon. Friend Sir K. V. Reddi, it has been set apart by the Interim Ministry and the thanks of the people are really due to them. Sir, the Premier has told us that the Government have not come to any conclusion with regard to the manner in which they propose to distribute this 75 lakhs. But it is reported in the press that the President of the West Tanjore District Board—a prominent member of the party in power—had stated at a meeting of the district board held on the 20th of last month that it was an open secret that Government had decided to grant a remission of 18 $\frac{3}{4}$  per cent for the current fasli and 25 per cent for the next fasli. That statement has not so far been contradicted by the vigilant Minister for Public Information. I would therefore request the Premier to consider this question and not to reduce the amount which the Marjoribanks Committee recommended to us. I am led to think, Sir, that the delay in giving effect to the decision of

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the Interim Ministry is due to the desire of the party in power to distribute the amount to the other districts not covered by the recommendation of the Committee. I do not stand in the way of Government granting relief to those districts also. But what I plead is, that in doing so, the relief which certain districts stood to gain under the recommendation of the Committee should be neither denied nor minimized. For I would urge on the attention of the hon. Members of this Council that the relief afforded by the said Committee is itself inadequate. If the Government require more money to give effect to this decision, I hope the Government will not hesitate to find out the means required. In this connexion I would be failing in my duty if I do not urge the necessity to consider the claims of the Tanjore district under a separate category, because though it may appear that the Tanjore district will be benefited if the recommendations of the Committee are approved by the present Government yet in effect there will be no reduction at all to that district. For the Government ordered the reclassification of the land and raised the taram by G.O. No. 1038, Revenue, dated 14th July 1933. This question was dealt with elaborately in the memorandum submitted by myself and two others on behalf of the Tanjore District Mirasdars and Landowners' Association, Mayavaram, to the President of the Land Revenue Commission. I do not want to take up the valuable time of the House by repeating those arguments such as that the reclassification is due to the construction of the Mettur Project and that the people of the Tanjore district are benefited by that project. I would request the Hon. the Premier to sympathetically consider the case of the Tanjore district and pass orders cancelling the order reclassifying the tarams or at least to keep it in abeyance.

"One other matter I would like to mention. It is admitted on all hands that our aim should be to constitute a panchayat for each village. True, much has been done in that direction but more yet remains to be done. I was given to understand that the Government had instructed the Inspector of Local Boards not to constitute panchayats in villages whose population fall short of a thousand. I brought this matter to the notice of the then Minister for Local Self-Government to relax the order and permit the formation of panchayats in cases where the villages apply for the same notwithstanding the fact that the population in such villages is less than a thousand. He promised to look into the matter and pass orders. I do not know what has happened since then. May I request the Minister for Local Administration to take up this matter and permit the constitution of the panchayats in those villages as well if the people apply for it.

"Before I conclude I would offer my sincere congratulations to the Hon. the Leader of this House on his appointing an Indian as the Principal of the Madras Medical College. I take this opportunity to offer my congratulations to the Hon. the Premier for having persuaded the Congress Working Committee to permit acceptance of office and also on the close co-operation which he is maintaining between the Ministry on the one hand and His Excellency the Governor on the other. I once again thank him for having accepted the office."

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\* **MR. A. RANGASWAMI AYYANGAR:**—"Mr. President, I was not anxious to speak but for the fact that a great moral principle has been enunciated by Sir K. V. Reddi which must be repudiated by everyone of the Indians here. I do not want to go into facts and figures for the obvious reason that we have no power to deal with them. We are here to deal with the general principles for the guidance of the Ministry. With reference to this question of prohibition the Opposition has been ranging from one of mild toleration, sometimes condescending tolerance, sometimes tolerance which does not touch our pockets, culminating in the Opposition having to fall back upon the principles of tolerance of the time of Rama in regard to drinking in India. I am sure whatever they did there is no reason why we, a civilized nation, should tolerate drinking. (Laughter.) Sir K. V. Reddi seems to think that drinking is desirable. It is unfortunate that a person of his position and standing should have formulated a doctrine which will have such an injurious consequence on the future . . ."

**DR. SIR K. V. REDDI NAYUDU:**—"On a matter of personal explanation, Mr. President, I did not say it was desirable. What I said was that prohibition was undesirable."

\* **MR. A. RANGASWAMI AYYANGAR:**—"Sir, the attitude of the Congress with reference to prohibition has not been properly understood at all by the Members of the Opposition. They seem to think that governance of the country means matters relating to facts and figures and that a balanced budget from time to time is the end of all Government. That may be with reference to past Government. But certainly that is not going to be the principle or policy of the Congress Government. It has been stated that it was the late Mr. Gokhale who is responsible for the phrase 'spiritualize politics.' What is spiritualizing politics unless it be to carry into effect the policy of prohibition? Our phrases and ideas are not there simply for the purpose of airing them in college rooms and lecture-halls of universities. They are there for the purpose of being put into practice. Prohibition is a monumental instance of putting that idea into practice."

"Sir, we have been told that America failed and therefore India may fail. India may not fail for the obvious reason that we are generally not drunkards as Europeans are supposed to be. (Laughter.) And there is one great circumstance in our favour. Islam is a religion which clearly says that drinking is sinful. If America had a streak of Islam in its population, surely America also would have succeeded in its policy of prohibition. (Hear, hear.) We in India are fortunate in having a religion which by its positive Code prohibits drink. Sir, something was said about the opium revenue. I am sure that the Chinese people wanted to keep out opium from their shores as early as 1800 A.D. They passed in that year a legislation to that effect. Do you know who it was that prevented that legislation from being carried out? It is the British Parliament that prevented that legislation from coming into force. They waged what is called opium war on China and forced it on the Chinese people for the purpose of the opium revenue. Therefore, Sir, it is not as if we are responsible for forcing opium on China."

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"One other argument was put forward. We were asked whether we will be able to carry on in future years and have a balanced budget, and whether provincial autonomy will go on. Some Members doubted whether the ship of provincial autonomy would not flounder. I say we will try our best. What does it matter, Sir, even if we fail? We have not promised the country that we will work this provincial autonomy successfully. We have not anywhere insured for the success of provincial autonomy. Simply we have promised to work honestly. In spite of that, if we fail, what follows? We go back. We throw up the job and we go back to our masters and tell them. 'Look here, we have been, under the name of Government, kept in hell.' It is nothing but that. We will tell them 'We cannot carry on unless you find other sources of income.' At that time our masters will be roused to a consciousness of the situation. And then, when next time the Indian dog barks, certainly the caravan may not pass. The Indian dog may show other canine propensities also. (Laughter and cheers.)"

"Then, Sir, I was surprised to find nobody supporting even in an indirect manner, this policy of prohibition. I will explain the matter by an offensive illustration. Supposing you want the Government to run a brothel . . ."

\* **MR. PRESIDENT:**—"Offensive illustrations are not allowed in this House." (Renewed laughter.)

**MR. A. RANGASWAMI AYYANGAR:**—"Sir, it is only an offensive illustration and not an offence against anybody. Merely because it brings in revenue, are you going to support that policy also? Conversely, merely because you are going to get less revenue, are you going to adopt a particular programme? As a matter of fact, this arrangement by which the toddy revenue is got from the country is an arrangement which is nothing short of sin. It is that consciousness that is the basis of the Congress policy of prohibition. It is not a question of finding ways and means. It is a question of moral consciousness that pervades the Congress in taking up this policy. Sir, were it not for certain remarks made here, I would not have got up to defend this policy at all."

"Sir, I will make a brief reference to the salary cut. It has been stated that the services must be contented and happy and that there is a sort of implied agreement that the services should be kept in the same status. There is a fundamental fallacy in construing the present Congress Government as the successor-in-interest of the previous Governments. We are not an extension of the past Government. According to the Congress ideology, we have come into our own. Therefore we are not bound by any kind of agreement or arrangement which the past Government may have entered into with the services, unless it be that a particular service when examined on its merits justifies itself. No doubt a number of offices have been good in the past; but unless this arrangement of the services is going to be beneficial and suitable to the present Government; they are not bound, I mean morally, to accept it."

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But, Sir, much has been said about the services and I am afraid they have been made to think that they are not servants but masters. They must understand that they are servants first and not masters.

"My hon. Friend stated something about the standard of living of the services. He evidently confused the standard of living with the style of living. It is not as if the standard of living is sought to be lowered. It is only the high style of living of Government servants that is sought to be lowered.

"Another argument was advanced, I think by the hon. Gentleman, the University professor. He said that the services are something like Hindu wives and that they have to be cajoled and kept in good humour if necessary by increment in salaries. (Loud laughter.) To my mind the services can be likened more to Hindu maids than to Hindu wives, who may be dispensed with at will (laughter) and continued only as long as they are serviceable. Therefore much argument has been wasted on the importance of the services. After all, the public services are only a small portion of the services in the land all taken together. What do you think of the innumerable private services that are there in the country? Have you bestowed any thought on their welfare? Why should public services alone be taken such special care of and put constantly before the public mind? My suspicion, that whenever a servant is constantly before the master, he is not as efficient as he should be, is strengthened on seeing this. (Loud laughter.) The very fact that the salaries of the services are so often discussed shows that there is something wrong with them and that they have to be overhauled. So far as the attitude of the Congress party is concerned to this question, I may mention, Sir, that it is no secret that our Leader is so very kind and so very soft to the services that if they do not co-operate in this matter, the country knows how to deal with them." (Laughter.)

\* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—

"Mr. President, Sir, let me also join in the chorus of sincere congratulations that have been offered to the Prime Minister on the excellent budget he has presented to this House, six weeks after he assumed office and for the very lucid, clear and able statement he made on the financial position of this province.

"Sir, before I refer to the question of prohibition, I wish just to say a word on behalf of my hon. Friend Mr. Narayanaswami Nayudu whose speech was misunderstood. He tells me that he is not against prohibition. What he wanted to say was that prohibition did not in any way add to the comforts of the ryots, if it meant increased taxation. He is entirely in agreement with the policy of prohibition proposed to be introduced by the Hon. the Prime Minister. (Hear, hear.)

"Sir, I must congratulate the Government on the popular orientation that they have given to the budget. From my school days I have been hearing of temperance associations, temperance leagues and social service leagues of which I was a member for a number of years. The one object of these bodies has been to put down the drink evil. I know that the Madras Government also tried to put down the drink evil by

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means of official propaganda. Everything has been a failure and the drinking has been going on merrily and the drink evil has been on the increase. We have now reached a stage in which one has to make a decision as to whether we should allow this drink evil to continue or whether we should put it down with a firm hand. I congratulate the Government on the firm determination they have shown in coming to a decision on this matter. Prohibition is now a settled fact. (Hear, hear.) Sir, drastic diseases require drastic remedies. This evil of drink has been so deep-rooted in the country that I think, unless and until the Government are firmly determined to put it down, no good will come out of it. (A voice: Hear, hear.) If the moral wellbeing of the people of this Presidency is to receive an improvement at the hands of the popular Government, no better scheme could be brought before this House than prohibition. Of course we know that this step will deprive the province of 4 to 5 crores of revenue. But the Government are there to devise ways and means to see that somehow or other they are able to run the administrative machinery in proper order. If you want to do away with this evil, you will have to lose about 4 or 5 crores of rupees. But this amount you can get by other means, by means of retrenchment in every direction. (Applause.) I have no hesitation in saying that the Ministry will remain long here and will adopt a firm policy to uproot this evil and to see that a great deal of good is done to the province. I am sure their efforts will be a great success.

"Some of my hon. Friends were talking about illicit manufacture and illicit sale. The moment prohibition is introduced, say, in Salem, I am sure that about 60 per cent of the people who are accustomed to drink will immediately give up their drink habit. People drink because there are so many facilities for it. There are shops on the roadside where they can easily go and get drunk. If they are deprived of this facility, 60 per cent will immediately give up drink. Some people may take to illicit methods. But the Government can prevent them. If the Government make up their mind to see that firm action is taken, illicit methods will be stopped. I am sure they will succeed. Nothing great will be done unless there is determination and firmness.

"Now, Sir, if you are going to have the blessing of abolishing this drink evil, then of course, as I said, there should be retrenchment in every direction. We will have to agree to a cut in the salaries. I fully agree with what the Rt. Hon. Srinivasa Sastri said yesterday that it would be rather hard that a man who earns about Rs. 100 should be suddenly asked to take less. But it is a matter for the consideration both of the Premier and the Ministry to see that everything possible is done to lessen the hardship on these people. People who draw big salaries might have made commitments and it would be wrong all of a sudden to compel them to readjust their financial affairs. I hope Government will take all these things into consideration and will do their duty in seeing that the hardship is reduced to a minimum.

"Sir, I must congratulate the Hon. Mr. Giri on the promptness with which he hastened to correct a misreported speech of his delivered at Berhampore. It was reported in the papers that the Hon. Minister said that the police force was going to be used as Congress volunteers.

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I am glad that on the next day a contradiction appeared in the press in which he clearly said that the police force will have nothing to do with the political fortunes of the country or with the day-to-day administration. Their duty should be to put down crimes and to maintain law and order. That is the correct position. I am very glad that it has been made clear. The police force should have nothing to do with the political fortunes of any party whatsoever. They should simply do their duty for which they are paid.

5 p.m. "Again, Sir, immoral traffic is a thing about which I wish to say a word or two. An Act was passed some time back for the suppression of immoral traffic and I am very glad to note that it has been working very successfully. Now in the Report of the Inspector-General for the year 1936, page 34, he says as follows:—

"The application of all sections of the Suppression of Immoral Traffic Act, other than sections 6, 7, 8 and 16 was extended in the year to the Municipalities of Tinnevely and Tenali. The application of the Act in the limited areas where it is in force continues to have good results and to serve its purpose. The work of the district police in this connexion was kept under my systematic review. The provision of rescue homes remains an urgent need."

"I would request the Hon. the Chief Minister to pay some attention to this most urgent problem."

"The Hon. the Prime Minister in presenting the budget wound up his speech by saying that he came to this House for getting its moral support. Speaking on behalf of the party to which I have the honour to belong, I may say that we are prepared to give the Hon. Ministers our fullest support in all measures that go to increase the moral and material prosperity of our Province. There is one matter in which we are unable to see eye to eye with the hon. Gentleman opposite and that is with regard to the political destiny of our country. We strongly believe—I say this on my behalf and on behalf of my party—that it is to the best advantage of our country that India should attain as early as possible Dominion Status in the British Empire and when that happy day dawns, India will have her fullest freedom as an equal partner in the British Empire."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"I must at the outset tender my grateful thanks to several hon. Members for the manner in which all the criticisms have been made and for the extraordinary consideration shown to us and to me personally. Criticisms were sometimes fairly frank, and sometimes expressions of congratulations were promptly associated with expressions of doubt and fear. All the same I cannot refrain from expressing the feeling of grateful thanks and although I try to find expressions for expressing that feeling, I think I cannot much succeed. If I had experience in presenting this budget and receiving criticisms and compliments, probably I would have been better able to express my feelings. However, I must say one thing, that I am overwhelmed by the amount of good will that has been shown in every direction regarding the work we have undertaken. I hope that we shall deserve all this goodwill and that good luck will enable us to convert the goodwill into actual benefit for the country which we love."

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"Before trying to answer the points raised in the debate, I cannot refrain from expressing a certain amount of regret at the manner in which our friend Sir K. V. Reddi Nayudu started his speech. It appeared to me almost as if he grudged the sugar-coated pills that other people offered to me without giving me the other kind of pills, viz., bitter pills. What is the harm in coating our pills? I do claim that a medicine acts well when it is sweet. I do claim that bitterness by itself is not a medicine and the Unani system of medicine knows it very well. They do not think that it is merely a question as to how to please the patient, but it is really a question as to which medicine would act better and more effectively. Therefore I am constrained to say that Sir K. V. Reddi has not been right in finding fault with his predecessors for their having been nice to me in their criticisms. However, I may say that I do not complain that Sir K. V. Reddi has not been wise. There are various ways of putting this. I am equally delighted when a critic is frank, provided there is no bitterness of heart. Now, what is the great point that was made by Sir K. V. Reddi Nayudu which, though not relevant to the proposals which I have placed before the House, I feel I am bound to explain and answer? He said that it was not right for a Government to make remarks through the budget speech with reference to the manner in which certain grants were obtained and certain demands were got sanctioned during the previous year. Sir, it is obvious from the accounts and the situation created by the consolidation of debts under the new regime by the transfer of funds which took place under the Government of India Act, it was on the face of it clear, I say, that more than 30 lakhs of rupees were saved from the debt charges of this province. If any Government responsible to the people under that situation should present a budget in which new schemes of public benefit had to be curtailed and restricted within the comparatively small amount that I have mentioned, is not an explanation due to the country, is not an explanation due to the Legislature? Even if my hon. Friend with his experience could understand what had happened before and could have excused me, it is not the same thing to the general public; it is not the same thing to the other Members of the House and it has to be explained. I go further and maintain that it is not merely an explanation. I do maintain that I was right when I said that in the form of supplementary grants you cannot take sanction for totally new schemes of which the urgency is proved to be inadequate by the fact that you take only a trifling amount for the year towards the cost of the schemes which are not remunerative. My hon. Friend proceeded to exemplify and said 'supposing I take a grant by way of supplementary demand for a small sum of money for a good work, for a good capital scheme of expenditure.' It was not to that that I referred. That does not mortgage the revenues. What I do refer to is the large amount of unremunerative new schemes that were introduced in the latter part of the financial year asking for small sums of money for expenditure during that year in order to commit the Government to recurring and non-recurring expenditure in future years for new schemes. I say that this is a wrong method of procedure and I repeat it. I say that a year is a short term, comparatively short, for a Government, and I say that

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even those schemes that you introduce during a particular year should be placed side by side along with other schemes before the Legislature and all schemes should have equal chances of being pushed through. Instead of that, you take occasion in the latter half of the year to get supplementary grants for certain new schemes which you want to push through. And they are in the very nature of things obviously not urgent and for which the nation, having waited all these years, could afford to wait for some time longer. If you want to place such schemes before the House and ask for supplementary grants, I ask whether it is fair. So, I am right in finding fault for such mistakes. I therefore claim that it was not wrong when I criticized the previous Government. I, therefore, say that it is a pity. If my hon. Friend should object to that word, I say it is unfortunate that in a particular year Government should get supplementary demands sanctioned for new schemes without properly estimating the relative value of the schemes. I do say that it is a pity unfortunately. That is all I said and it is much so far as the budget is concerned. It is very serious. So far as budget reappropriation is concerned, it will not affect us much. Supposing I had to dig a well in Perambur because there is famine or drought there, it is right for me to come for a supplementary demand. But if I say that I require money for an additional school building, that is wrong, because the school has been run in the same building all these years and nothing will be lost in keeping the boys and teachers in the same building unless it be that there is going to be the danger of an earth-quake for the original building or some such danger. That was all the remark that I made and it is that which caused so much offence to my hon. Friend Sir K. V. Reddi Nayudu and to which he took so much objection. I hope after this explanation that nobody would find fault with me with respect to this matter.

“Sir, I do say that the previous Government mortgaged the future revenues of the Government. I do say that because what is a mortgage? It means you are committing certain expenditure for subsequent years which will have to go into Part I schemes of the budget for the year under consideration. It is not a scheme that you can put aside as comparatively unimportant. If he does not like the word ‘mortgage’ I shall use the words ‘first charge.’ I do not think there is any offence in that.

“Sir, I shall not dwell much longer on this subject except to say that it would not have been necessary to say so much upon it if our legitimate criticism in respect of the order of financial business of Government had not been taken as an offence. However, if I do commit some mistake, as Sir K. V. Reddi said, I am open to the same remark to be made by others, and I am bound to explain why I went out of the way.

“Then, Sir, the whole discussion very naturally was concentrated with great earnestness and emphasis on the policy of prohibition to which we want sanction from the Legislature. It is a very big thing

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in respect of which we are proposing to take certain measures, and therefore it is but right that so much attention has been paid to that subject. This is not the occasion when I should go through the whole field of morality of the question. It is more or less well known that in our country the attitude with regard to drink evil is different, slightly different, if you may so put it, from the attitude in other civilized countries on the same question.

“There is a great difference between drink and drunkenness in other countries, but in our country it is fortunate that by a good and sure instinct our people object even to moderate drink. They consider it wrong. I do not want my hon. Friend Sir K. V. Reddi to imagine that I see no distinction between drink and drunkenness. I see it quite. But I see more danger to the coming generation, and to the country as a whole in this tolerance of temperate drink. I do not see so much danger in the drunkenness of the old addicts. Honestly and frankly I must confess that. I am not afraid of the addict. He passes away. But I am afraid of the public example set by him. I am afraid of the willing and falsely courageous manner in which the younger people may be taken along the line of moderate drink. I know that moderation to-day does not mean moderation to-morrow. But I shall not take up the time of the House on such general matters. 5.15 p.m.

“Let me answer at the same time I deal with prohibition one great charge made by the hon. Member Mr. Narayanaswami Nayudu, whom I also shall claim the privilege of congratulating. I did not know that it was a maiden speech of his. Perhaps that is itself a sufficient compliment. I thought he was an old hand at this business when I heard him. He asked where the rural advantage was in my budget, what I had done for the agriculturists and added that I had done nothing. He took up the latter pages of the budget dealing with Part II schemes and criticized me in what may appear to be an effective manner on the absence of large figures on those pages. It will be strange if we assess the value of a budget by the additions that have been made and by nothing else. If my hon. Friend turned to the earlier pages of the Budget Memorandum and added up those figures, he would, I think, be more inclined to say that these further additions are very good additions. He would not say there has been done nothing for agriculture if he saw what expenditure we go through during the year which is much more than what was gone through last year. That is the manner in which the budget should be estimated and not by the Part II schemes that we have added. Part II schemes may be for the pay of a clerk here or an officer there who have been added to a particular department or for a college. It is not by that touchstone that we should judge the merit of a budget. The amount of money that we propose to place at the disposal of the executive Government to spend for purposes of benefiting the agricultural classes is so much more than the amount that was actually spent last year that I do claim some merit for the budget that has been presented. I therefore claim that the criticism of Mr. Narayanaswami Nayudu is not sound. One cannot examine the merits of a budget

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by a superficial reading of the figures of any additional sums provided for Part II schemes. It is said: 'By no means are you doing anything wonderful; all the previous Governments have spent so much.' Surely we are doing nothing wonderful because the tax-payer is not in a position to do anything wonderful in his own way. We would not expect the Finance Minister or the Premier or the whole Ministry to be able to spend in a particular year a magically large amount of money, a much larger amount of money than the previous Governments spent, if we all have to confess with sorrow that the capacity of the tax-payer is not suitable for such magic performances. If therefore, we retrench, we pick and choose wisely, we are deserving of some compliment and co-operation. But if we have wasted and displayed want of judgment in the budget, we must be criticized and those errors should be corrected. It is not enough merely to say that we have not spent anything more. But, Sir, I claim that prohibition is by no means to be forgotten in connexion with the benefit to the agricultural classes. I do claim that it was not merely a figure of speech when I said that if the Government lost Rs. 26 lakhs of drink revenue in a particular area, four times that amount would remain in the pockets of those classes the majority of whom come under the enforcement of prohibition. It may be, Sir, that addicts may well drink; it may be that on account of the restricted scope of our prohibition policy, a man may purchase a ticket to the neighbouring district, go there and drink. It may be that the old traders in this business might organize bootleg liquor. It may be that hon. Members of this House who are opposed to this policy might be enabled to hold up their hands and say, 'There you are; some men drink here and some men drink there.' But I do claim that even if we succeed in 80 per cent enforcement, nay, 50 per cent enforcement at least, for the Rs. 26 lakhs of drink revenue that we lose, we would be putting, unspent and unwasted, one crore of rupees into the pockets of the poorest classes. Is this not benefiting the agricultural classes? Is not the liquor sold in rural areas? Are not the agriculturists drinking? And if the money remains in the pockets of the agriculturists, do not the wives of the agriculturists get it? Will it not be spent in the market and used in the country? I do say therefore that the spending power of the agriculturist classes will be raised. There will be general prosperity to that extent. Here let me jump over in dealing with this subject to Dr. Thomas. Eminent professor as he is, it is with some amount of trepidation that I propose to criticize his remarks. But it appeared to me that he was contradicting himself. It appeared to me, Sir, that he was speaking what was in my own mind when he said that it was the poor, it was the miserable that drank. It is not because they have money but it is because they are wretched. It is because they have no money, and they want to forget their sorrow that they drink. That was in my mind also. That is why I want to save them. He says that we cannot give up this source of revenue merely because we want to do something good. Why not, I ask? If what he said first is true, if it is the poor and the wretched who are drinking, if it is the debtor who drinks, if it is the man who cannot balance his

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private budget that wants to drink and forget the trouble by drinking, is it not my duty to lose the revenue from that wretched man? After all, is it not his money that you are taking? Is it not good economics to tax the proper individuals? Is it not a good professor's duty to say that it is not this poor man that we should tax directly or indirectly but somebody else? I do claim that he was contradicting himself when he conceded what I consider to be a most valuable point, namely, that it is not the rich man but the poor that is drinking in our country most. Therefore, it is the duty of the Government, even though it may not go the extent of punishing him for what he is compelled to do, at least not to place temptations in the way of the man. It is the duty of the Government not to organize this trade. It is the duty of the Government, let me put it in this way, to put that man to the necessity of undergoing all kinds of difficulties before he can get his drink and ruin himself. It is the duty of the Government, I would even say this much, even if its finances should get into terrible disorder, because the Government does not deserve to rule if it can rule only by robbing such poor people of their money. I am not launching into rhetoric, but if the plain facts of the case appeal to the ear as rhetoric, please do not blame the style. It is the facts of the case that seem to be rhetoric and I am not responsible for it. I cannot examine the question of the drink revenue without coming to this conclusion, that in whatever manner you may examine it, it is wrong to depend upon it and I do say therefore again, 'Cost what it may, we must stop this.' I know to whom it will cost. Though I put it like this, I do not believe for a moment that India cannot rule herself, that India cannot have a civilized Government, unless it taxes those who cannot pass their lives without drinking and forgetting their troubles. If Dr. Thomas is right—and nobody has contradicted him when he said it—that it is the poor man who drinks and not the wealthy man, and that it is the poor man who contributes this Rs. 4 crores of revenue, we should save the poor man. It is the poorest people who pay this revenue. And I do have confidence that the masses in the country and the electorate will respond when we appeal to them and tell them that we must balance the budget and that they should pay more taxes because these poor people cannot pay. Let me tell you, Sir, that that is the meaning of the phrase which I used 'Cost what it may,' not that it would become impossible. I say here, what will it cost me? It will cost me an election and I am prepared to appeal to the people and tell them that I cannot tax these poor people who drink and that I cannot allow this drink. I would ask them: 'Do you want me to govern this country?' Reject me if you like, but I cannot govern for you if you cannot tax yourself; you must give up such and such amenities and such and such luxuries—relatively they are luxuries—if those luxuries depend upon the taxes paid by those who cannot live without drinking and thereby forgetting their troubles, their debts and their sorrows. That is not the way, I say, to govern. If that is the only way to govern, we must give it up. But I have every confidence that the country will be more generous and will not refuse to tax itself if it wants particular amenities in other ways than by robbing



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these poor men. The country will not agree to the Government making revenue out of drink, to the Government organizing drink trade, placing the drink in the way of the poor man and watching the increase in trade with the phrase and formula 'minimum consumption and maximum revenue.' Therefore, Sir, taking all the remarks together, those of Sir K. V. Reddi, Dr. Thomas, the Rt. Hon. Sastri, Mr. C. R. Reddi and everybody else, to me no doubt whatsoever has arisen on account of this debate. I feel as convinced as before and I hope my colleagues are as convinced as before that it is right that we should stop this drink revenue.' Therefore, Sir, taking all the remarks together, those of Sir to a wrong station, you cannot immediately jump out of it straightway and break your neck. You will have to wait for the next station and to get down and go back. That is the reason why this is called a stage but not an experiment. Nobody says, as far as I could see from the debate, that it should have been one wide wholesale prohibition. Nobody has objected to the stage that the Government have proposed. What they say is 'do not call it a stage; you must call it an experiment.' My Rt. Hon. Friend Mr. Srinivasa Sastri very rightly said, if you are going wrong and if you know you are wrong, you should correct yourself. Certainly you should. But at the same time, we cannot imagine that we are wrong simply because of a failure in the financial adjustment. The failure in the financial adjustment can be traced back to some other financial adjustment; it cannot be traced to allowing the man to drink and to ruin himself. The other argument is about the habit being difficult to do away with; it is difficult to give up the habit, it is easy to give up revenue said Dr. Thomas. It is good, it is equally good if you reverse it; I think that is true also; it is difficult to give up the revenue; it is easy in our country to give up the habit. Our people do find it easy to give up the habit. Suppose they do not give up the habit; who do not give up the habit? It is the addicts who cannot; should we not attempt to save the new generation from becoming addicts before they get into the habit? Should we not stop the whole country from ruining itself? Therefore, it is easy for the nation to give up the habit. Even assuming that the old people who are addicts would not give it up, if we only appeal to the younger people, is it not easy, obviously easy, for the younger people to be saved from this evil? Therefore it may be difficult to give up the revenue; it is certainly easy for the nation to give up this drink. I of course observe the beauty of that argument; but I reverse it and realize the beauty of its antithesis.

"Sir, in regard to this question, an alarm was expressed from more than one quarter with reference to the voluntary agency for enforcement of prohibition. There is much misunderstanding about this. If hon. Members imagine that we are proposing to give magisterial and police powers to our friends who are associated with the service of the country, who are called by the somewhat ambiguous, if not damaging expression, 'the Congress volunteers,' which has been used so far, it is, I say, much to be regretted that such misapprehension goes about. It is not our intention to arm them with magisterial or police powers; it is a compliment that that fear is expressed and that we are earnest about it, that

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our party is so assured about it that they may even attempt to get such powers. It is a compliment and I take it. That is not the intention, however. My hon. friends have said in the course of the debate that it is difficult to enforce abstinence for the habit is there and that legislation cannot improve the people. Quite true, and therefore I do say, mere petty enforcement cannot bring us success. There must be a huge moral army in the whole country if you want success. I do say that unless we have a large voluntary band of workers who will be there and co-operate with us in this work, we cannot succeed merely by engaging men of high or low salaries. I would therefore say that we are not depending for the success of prohibition merely upon policemen being stationed at every house, one man standing at every coconut tree to see that it is not tapped. I give up success, if that is to be so. I do maintain that voluntary co-operation is absolutely essential for a scheme of this sort. Therefore, I say it is wise to call for and to expect people to help us and to provide for voluntary assistance in putting down drink and in the enforcement of this essential programme which cannot succeed without voluntary co-operation.

"Much was said about bootleggers coming in and about gangsters; gangsters lived before prohibition and will live during prohibition and will continue to live after repeal also. Gangsters do not come in as a result of prohibition. Gangsters and bootlegged liquor do not come in necessarily with a policy of prohibition. Sir Reddi Nayudu is not unaware that there is bootlegged liquor even under licence. Ask your Excise Commissioners; ask your Excise Inspectors. They know that there is bootlegging here as in America; it is illicit liquor in our country. Let me tell hon. Members of the House that illicit liquor as well as licit liquor is injurious; it all depends upon how much you take and what strength you take. What I want to say is this; even under licence, even under embargo, illicit liquor is there. That is why there is a call on the Excise Department to keep the prices at particular levels and to keep the strength at a particular level. The reason is this, there is always keen competition, just like the competition between the motor and the railway. It is the same thing with the excise officials; he dare not raise the prices, because, immediately, illicit liquor comes in. There is bootlegging now, and there will be bootlegging even if legislation comes in or a policy of prohibition or under a policy of licence. Bootlegged liquor is there, not because of the craving for liquor; bootlegged liquor is there because of the craving for money; bootlegging is going on, out of craving for money, out of greed. As long as there is greed in this world, there will be men who will evade the law. Therefore, do not please connect the idea of bootlegging and the idea of gangsters with prohibition policy. The Government is not worth its salt, if you do not put down illicit trade under the policy that you are enunciating. I admit that there will be bootlegging even under enforcement clauses; I admit also that bootlegging will recede and recede as we proceed. I hope it will recede. Therefore, let us not be afraid of the failure of enforcement. In our country, hon. Members may take it for

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granted—it is an experienced nation—that it is not difficult to enforce because in our country, in our homes, it is still considered wrong to keep this liquor or to store it. Even in the vast areas where drinking prevails, the wife would not like her husband drinking; the child would not like his father getting drunk. It is not so in other countries. If people drink in their houses, they are not looked down upon in other countries. In our country, if a man drinks in his house, his wife and children would object to his doing so. That is why they want shops; that is why they want other places where they can get a drink. That is why, if we close down the Government business, the drink habit would disappear. I do not wish to take up much of the time of the House over this question. I do want the co-operation of the House for this venture, and I am grateful, therefore, for the manner in which they have offered their criticism; of course, they doubt; they have not done it before; it is not a new policy which we have discovered. It is an old policy . . . .”

MR. T. A. RAMALINGAM CHETTIYAR:—“ There is a resolution of the old Council that the goal of prohibition should be reached within a period of 20 years.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“ Therefore, the policy is the same. Based on your experience you call it failure; I would call it difficulty, based on experience; I say that a mere propaganda programme will not bring about the desired result; it is because you run, alongside, the shops. We are now making a new kind of experiment; it is an experiment which I think will succeed; I do hope it will succeed.

“ The next important thing which came in for observation was the question of the land revenue remission of 75 lakhs. I do not think, Sir, that the question is who should take the credit for discovering this idea. I do claim that is a very old idea. None of us discovered it; but if the previous Government wish to have the credit of having been before us in the field and of having given the remission, let by all means the previous Government have it. But there is nothing very wonderful in saying that the land revenue should be decreased and that is what they did. Of course, the previous Government said ‘ We shall give 75 lakhs remission—not all the 75 lakhs; in the previous year it was 56 lakhs and we shall add 19 lakhs in the financial year ’; it seemed difficult to get 19 lakhs; it came down a little less; those are details. I do give them the credit if it is wanted, that they discovered the idea. With reference to giving effect to the proposal, it is a different matter. Whether you will be able to do it is a different matter and whether you will do it in spite of your other programme of giving up the revenue from drink, is still more a different matter. Therefore, I do claim that we have undertaken to give effect to the proposal. Even if it should be merely carrying out the policy of the previous Ministry in giving remission to the extent of 75 lakhs of land revenue this year, even that is something if we are able to do it. It was easy for the previous Government to declare it, because they knew that every effort was made in all directions to bring us in and to carry it out; they have

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left it to us to find out ways and means of carrying it out. They themselves were trying their best to bring us in; they knew well that the execution was in other hands. It is but right that we should say that this is our budget. But if it is merely a question of discovery, I am rather inclined to give it to the agriculturists themselves who have been for years before, asking for this remission, asking for reduction. It is nothing very wonderful that you have declared lessening at a psychological moment when you were in office. You can lay down the declaration. I read the other day the budgets of other provinces; I happened to read the United Provinces' budget. My mouth watered when I saw their programme of rural industrial development, of a variety of industries, this and that. What I thought was, are they giving 75 lakhs remission? No, it is not necessary for them. It is totally a different question there. There is no ryotwari system there at all. If only I could have these 75 lakhs cut up into 15 schemes, 5 lakhs for each rural industry, how grand it would have been? Then I could have rightly answered the other question which the hon. Member put. Whatever that may be, I am prepared to give to the previous Government the credit of having discovered the idea. In addition to these 75 lakhs, if we have taken up a few schemes costing a few lakhs and the big scheme of giving up the drink revenue, if in addition to all that, we have provided an increased amount for water-supply, an increased amount for schools, an increased amount for irrigation works, for public health and roads, we have the right to say that we seem to be real magicians.

“ I shall now refer to the charge which was made by Sir. K. V. Reddi; he stated and argued that the commutation of pensions should be credited to revenue account, and that this is really a deficit budget; that we are trying to make people imagine that this is a surplus budget.

“ At once let me say, there is no merit in making a surplus budget. This is not a profit and loss business account. Revenue is not a profit or income. Revenue is a tax. It is wrong, I say, that any Government should tax more than necessary. It is wrong to tax so as to have large surpluses. It is better to leave the money in the hands of the people so that they may multiply it. It is wrong to make it a tax and keep it as a surplus in Government treasuries, because it does not bear fruit. It is better to keep the spending capacity of the people going on rather than tax them to the utmost limit and then take money from them for the purpose of showing a profit and loss budget and then say, here is a large surplus. It may be asked, because the Congress Government are able to show only Rs. 6,000 as a surplus, what they are worth. I say that is wrong. We ought to look at the merits of the proposition and not on the budget; and we ought not to have a budget with a large surplus. I do claim special credit, whatever motive might be imputed, for bringing down the surplus to this small amount. Sir K. V. Reddi seemed to have anticipated my argument and said, ‘ but you must provide for contingencies.’ If there is a drought here or a cyclone there, what is this Famine Insurance Fund for? You do not provide always

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for contingencies in the shape of surpluses. The expenditure you provide for a contingency like that and for insuring against such a contingency is generally met from the Famine Relief Fund. It may be under a statutory compulsion and I do not take credit for these things. It is nobody's discovery; it is a discovery of mathematics or ordinary public financial science and no Finance Minister need, therefore, take credit for such a discovery. There is the Famine Insurance Fund, now at the top limit of 60 lakhs. Therefore, I see there is no danger in having only a small surplus. Let me assure my hon. Friend, he will see when we take up the next budget that there will be more safeguards and more of insurance against such things than he thinks there is just now, and I need not dwell at length on that at this moment. Let me at once explain that I have not done any sleight-of-hand trick; the immorality that he imputes to the Ministry in asking why this expenditure on commutation of pensions during the year should be debited to loan account and not to the revenue account . . . ."

DR. SIR K. V. REDDI NAYUDU:—"On a point of personal explanation, Sir, let me tell you, I did not impute immorality; I only said, sleight-of-hand-trick."

THE HON. MR. C. RAJAGOPALACHARIAR:—"In one sense I do think, sleight-of-hand trick if performed in budgets is immoral. That is why I understood him like that. It would be all right if he says all that as amusement in an evening party, but when a thing is described as something like that, it is a thing to be explained and that is why I had to refer to that."

"Sir, it was in 1912 that a system of commutation of pensions was introduced, by which a retired official can take a lump sum instead of a part of his pension. The proportion commutable was gradually increased at various periods till finally to-day a public servant, without giving any reasons, can take one-third of his pension away in the shape of an advance. That is a heavy thing. It was naturally thought by all financiers to be a proper thing, as it was a lump sum taken as against payment for future years, that it should be put to the loan account. It was of course proper. I do say, it is not the first time we did it. For many years, the Government of this province put it to the loan account and not to the revenue account. Let me tell hon. Members of this House, through you, Sir, that when for the first time it was proposed in the year 1928-29 that this amount should go into the revenue account, the Accountant-General objected to it. He said, this was unsound finance. I have myself seen that in the printed audit report. He said it was unsound finance to debit this to revenue account, and he claimed that it should go only to capital account because it is future payments that you are paying to-day. There was a reason, however, why it was right to charge it to revenue. It is because it is found that on the average every year you have to pay an amount under the head every year. I say it is proper to charge it to revenue. I say also it is not improper to charge it to capital under particular circumstances. It would apply to the forest expenditure also; it would apply also to

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some other expenditure referred to in the course of the debate. An expenditure that recurs in equal quantity every year, though it might be scientifically of the nature of a capital expenditure which should go to the loan account, it is also proper to charge to revenue.

"Neither the conception that it should always be charged to revenue, nor the conception that it is wrong that it was charged to loan account this year, is right and I do claim, therefore, that we have done no sleight-of-hand trick in respect of this matter."

"Then, Sir, coming to the question of handloom, mill cloth and khaddar, the Right Hon. Mr. Sastri said, very good that you help the handloom, even better that you try to revive hand-spinning and put more money by way of supplementary income in the hands of the agricultural families, but why do this thing against the mill product? It does not give revenue, says one member, then why do something which hurts but which does not bring you any good and why should you decry the mill products? It would not be wrong on my part to dwell at length on this question of major policy. Let us therefore examine the matter, why this handloom is in trouble and why it does stand in need of protection to-day. Intrinsically, is the cloth inferior? By no means so. I say inch by inch, yard by yard, handloom cloth is better than mill cloth. Ask the consumers if you like. Why does it stand in need of protection to-day? Is it that the handloom weavers have forgotten the art? No such thing. On the other hand, they have improved in many ways. Why does it then stand in need of protection? Because of competition, and which competition? Can we say, British; can we say Japanese? No, it would be wrong to say so. To-day, it is the competition of the machine, it is the competition of the mill. Therefore, here is mill cloth which is the direct cause of the occasion which has produced the necessity for protection and special efforts and measures necessary for everything handloom. And what is everything handloom? Is it merely an artistic taste or liking for a particular loom; is it merely the question of taste for a particular craft? No such thing. I say to Dr. Thomas that it is the tears of the weaver that have to be washed; it is the tears in the countryside in the weavers' homes that calls for your protection; it is not merely the taste; it is not merely the cloth, or aesthetic sense or anything like that. It is a necessary, traditional, age-long occupation of numerous families in our country. Next largest to the industry of agriculture, next and most important after agriculture, is the handloom industry; and as a mere occupation, as a mere breadgiver for numerous families it is a matter which needs our protection. How can you protect it, except by hurting to that extent the mill industry? If they think it is a hurt, I do say, they can stand that hurt. It is simply something like blood transfusion and it does not hurt any one. On the other hand, it helps the other. It is possible that the handloom can be protected though I do cut a limb and take the blood away from the rich veins of the mill industry. The mill industry in India has done very well indeed as against foreign

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competition. They have stood it very well; they have redoubled production during the last few years and to-day they stand on firm ground and if a small bounty is taken from them in order to help the handloom industry, I say it is not only just, but it is only a scientific manner in which it can be adjusted. Then, relative to this, an important question arises, namely, why go round collecting this small licence fee? I do admit, as Dr. Thomas suggested, a turnover tax should be levied. Yes, we shall do it. It cannot be done in a week; it cannot be put before the country straightaway like that. I do hope that the mill industry would agree to terms in respect of this matter and that they would co-operate with us in our propaganda in order to help the handloom industry, but here I do want to make the policy of the Government clear before the country. We want protection for the handloom and it is not I that is to blame if we cannot levy a tax such as that we like to. We are restricted all round; we are hedged in by all kinds of statutory safeguards. The division of functions between the Central and Provincial Governments is such that you cannot straightaway levy this tax. We have just begun organizing and we cannot really levy it straightaway without the co-operation of the Government of India. That is the position and that is my explanation for this. Therefore, this levy of a licence fee is not a wrong thing. It is really an indication of the policy that we are committed to, namely, that we must protect the handloom. Here again, I say, if this Ministry cannot protect the handloom owing to the difficulties of finance, I say we do not deserve to govern, and then we are bound to go to the country and ask for the necessary help and I am confident we will get the necessary help from them and will carry out these two policies.

"Then, Sir, I wish to deal with the remarks made about hand-spinning and the help that we propose to give to this spinning movement. Here again, I go back to the remarks made by the hon. Member who first began the debate, Mr. Narayanaswami Nayudu. Sir, it is a Sisyphean task to get a correct notion of handspinning for a man who is not in touch with it, and so there is likely to be a tendency to make confusion between the handloom industry and spinning and however much you explain, people go back to the same original mistake. Hand-spinning is not the occupation of weavers. It is a supplementary occupation for the agricultural classes. If we encourage and spread the handspinning industry, it is the peasants that get a little more money into their family purse.

p.m. "Therefore this is help to the agriculturist class. If two lakhs of rupees are used to spread this industry to new homes, to take this industry to new areas, I say it is a great programme for the benefit of the agriculturists. 'Oh, you are giving it away to the All-India Spinners' Association who get money for putting the stamp of genuineness', said Sir K. V. Reddi. Sir, it is a great ignorance of facts that are going on. For a public man, I say, it is not right to be so ignorant. It is right that we should know what is going on around us. The All-India Spinners' Association has not only undertaken to have

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the yarn spun but has undertaken the marketing of it directly. It has also undertaken to allow private manufacturers of the same handspun and hand-woven cloth by saying that it is true and genuine cloth. A very small quantity is produced by private people because it is not a paying concern. So private producers have not taken to it except where the All-India Spinners' Association had extended it. The All-India Spinners' Association puts a stamp of genuineness so that the people may know that there is no fraud. Sir, it is a question of licit and illicit and if people have to pay a price for khaddar which is not true, they have to be protected. That is why the stamp is put on a few things. The levy of a certain fee is not for stamping but the levy of a fee is for certifying and for regulating and it is only a small fee and is collected once a year."

DR. SIR K. V. REDDI NAYUDU:—"The Hon. the Prime Minister admits that a stamp is put. He admits that a small fee is collected and yet he says I am ignorant."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I admit, Sir, that a fee is collected for certifying producers. For each stamp a fee is not levied as it was pictured to the House thereby taking a slight revenue which was considered exorbitant."

DR. SIR K. V. REDDI NAYUDU:—"I never used the word exorbitant."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I did not use the word exorbitant in inverted commas. I do say that if the All-India Spinners' Association levied a fee for every stamp it would be exorbitant and an incredibly large amount would be collected. What I do say is that what they really levy is a fee for certifying for every year. The policy is to put the member on a trade list so that the public may not suspect the genuineness. This has to be renewed every year. So there is nothing new and I need not waste the time of the House on it. I do say on behalf of the Association that if anybody imagines that the fee is to be levied for putting stamps on a piece of cloth, I say it is wrong. If he had known the actual facts he would not have stated the facts in that way. As I said in the other House, this is something which will not be misused. That is to say, if the thing has spread to a new place and a new yard of cloth is produced, then alone it will be given. So there need be absolutely no fear on the part of anybody. I submit that if the spinning industry is to be revived and if the agriculturist has to be helped with the debt burden he is under and the revenue tax burden he is under, the provision of an additional income is a thing which is by itself worthy of approbation. Where there is no irrigation this is a thing which can spread and taken up directly. The All-India Association will be only too glad if I can persuade the legislature to take up this work as part of Government industry. It is not a mere figure of speech. They would close the business in Madras when the Madras Government would take it up. Let me tell the House what perhaps many do not know. Many years

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ago a proposal was made to the Government of Mysore to buy from the Spinners' Association and thus help in pushing the Association through. Some of my own friends in the Government of Mysore took it up as a Government measure and to-day you have the state carrying on the industry. They buy and they carry on. There is the officer in charge and he works in the same old honorary salary basis. The All-India Spinners' Association does not produce at all in Mysore. It has entirely left it to the State. If the hon. Members here and the other House would only sanction the taking up of this work by the Government then nobody will be more pleased. There is no difficulty therefore in respect of these matters. I do not think I need assure friends in this House that they need not fear that the cotton prices will fall on account of the licence fees levied. All that was referred to. But I think many of the statements made therein are obviously untenable and I do not think I should take up the time of the House on this matter.

"Much was said with reference to the business aspect, the question of policy in this House dealing with cuts. It is perhaps all right that matters to be taken up here have nothing to do with the financial statement. It was said that people were released without proper examination of the case. I am here to say in answer to that that every case was most carefully examined and if anybody imagines that a particular policy was adopted blindly without proper examination of each case, he is entirely mistaken. If that is so, I take the blame on myself. I say that every case was examined and this assumption was wrong. I say so because there is a large section of the people who expect that there should have been no examination and they should have been sworn out the moment we were sworn in. I take the blame because Congress has not committed itself to release wholesale everyone in the jail. The Congress is committed to certain policies, with regard to violence and non-violence and they did examine every case in the light of their policies. The Congress has got respect for judicial authority and therefore they have to wait till the cases were finished. They might have taken it as withdrawn if they had no respect for the judiciary. They did not do it."

DR. SIR K. V. REDDI NAYUDU:—"Has not Government withdrawn the case?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"If my hon. friend is to be answered I crave your patience and the patience of the House. If I have to stand over this matter. . . ."

DR. SIR K. V. REDDI NAYUDU:—"I only want information, Sir."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Information should be not scrappy. Information has to be correct and complete so that there may be no misjudgment of the situation. I am answering that question later on in an interpellation. But let me say now that the withdrawal of prosecution is proper under certain circumstances.

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The withdrawal of cases ready for judgment is not proper. The withdrawal of cases is proper certainly in political cases under certain circumstances. So that we have done nothing in any way which may be described as improper for any administration, or inconsistent with law and order or justice or regard for judiciary. I therefore claim that my hon. Friend is not right in imagining that there was anything improper or indecent done with regard to the release of these prisoners. Let me also assure him and another hon. Member Mr. C. R. Reddi, who was rather trying to find fault with the ministry for putting down certain conditions or statements and the like with regard to the policy of release that we are bound by a certain policy of non-violence and I think we are right in taking extra caution in the circumstances in which we have taken charge of law and order. If we have been properly understood there will be no difficulty in the administration of the country and that is why the exception referred to by my hon. Friend, Dr. Reddi was made with reference to these things. He referred to Amir Hyder Khan. Well, it is not easy to discuss every case of that kind on the floor of this House. It is an executive act that could be taken and executive acts cannot always be discussed on the floor of the House. Let me state that the gentleman referred to by the hon. Member is not in our custody. It is not legally possible. He is under the duress of the Government of India. Therefore it is not possible. But that does not mean that I am throwing the blame on another Government. It is not possible to discuss it on the floor of the House. Therefore it is not good that we should go into it in any scrappy manner. It was said that the spirit of law and order has been disturbed. People think they can do anything now. Somebody has pasted a poster behind the motor car and therefore it is all due to this Government and therefore this budget is wrong. (Laughter.) I do claim that is non-sequitur. It is not right argument. Let me explain the meaning of what I have caricatured. Perhaps it is obviously wrong.

"What is the meaning?—that we do not deserve to govern, that we are committed to policies of undertaking civil disobedience and therefore we should not govern. That is not the question now. Nobody denies, and there is no attempt to deny, that we were guilty of going to prison and committed offences like that. Our party had been guilty of signing and subscribing to policies of civil disobedience and, knowing all that, we have been voted for and we have been called to office. We have been summoned to take charge of the Government and we are responsible for law and order now. (A Voice 'Hear, Hear.') Therefore nobody will mistake our policy in regard to this matter. That is what I am driving at. Merely because of our ancient policies, or whatever may remain over in certain quarters as a result of those ancient policies, there will be no disturbance of law and order. On the contrary look at what other Members said in the course of the debate. If I had time I should have analysed the whole thing, and put one hon. Member against another in this debate. But there is no time for it. One hon. Member said that I have become a centrist. 'You have become a moderate,' said Dr. C. R. Reddi."

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DR. C. RAMALINGA REDDI:—"Not by way of blame, Sir. (Laughter.)"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I am gone over to his side, that is what my hon. Friend, seemed to suggest. 'Very good, my friend Premier, you have become a moderate. Why don't you take me over to the Treasury Bench?' He could have added. (Laughter and cheers.)"

DR. C. RAMALINGA REDDI:—"Not under any circumstances. (Laughter.)"

THE HON. MR. C. RAJAGOPALACHARIAR:—"That is why I said I could put one against the other. I am not blaming Dr. Reddi at all in reference to that matter. If he wants to call me a centrist in a good way he could use that expression. Well, may I tell him that I am right and he is wrong? It is he who has come over to my side."

DR. C. RAMALINGA REDDI:—"A word of personal explanation, Sir. My hon. Friend the Premier is putting his own construction on what I said." (Loud laughter.)

THE HON. MR. C. RAJAGOPALACHARIAR:—"Very much so, Sir. I think it is a good construction. (Renewed laughter.) But when a good construction and a bad construction are the alternatives, I prefer to put the good construction. Sir K. V. Reddi Nayudu need not tell the House therefore that people will misunderstand our policy. There is no unhinging of the people's mind with reference to law and order. On the contrary people seem to be imagining that we have become too much law and order, that we have become centrists and we have become moderates. So, that apprehension is answered by the hopes put forward by other people. I say, perhaps both are wrong. We are not centrists. By no means are we centrists. Also, we do not propose to cultivate a spirit of disorder in the country by any act of ours. I am proud to say in this connexion that this Government is one and unanimous over that matter. Sir, let me here tell you that it is not to-day that we are people pledged to law and order. In the peak of civil disobedience, I say, we were pledged to law and order. (Loud cheers.) When we had the no-tax campaign in Bardoli, the Congress made a strict and rigorous rule that in every other area in India, the taxes must be paid even speedier than otherwise. At a particular point we did a surgical operation. We did not say that there may be no-tax campaigns everywhere. We are more rigorous. According to the Congress programme, our discipline is more rigorous than even that of the law-obeyers, with regard to maintenance of law and order. That is why I get sometimes complaints from my people that I am too much of a dictator, that I want too much discipline. What is this dictatorship? What is this attempt at discipline? You must give freedom to individual members and so on. It is not the Congress policy to allow that kind of disorder. Exactly so in the Government also. Let me tell my hon. Friends through you, Sir, that this Government, though it goes by the name of the Congress Government, is a Government. (Mr. C. R. Reddi: 'Hear, hear.') And it is bound to rule as long as

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it is in office and it is responsible for law and order. It is responsible for law and order in every sense of the term. And it is bound to maintain law and order. And what do I see in the consequence also? I see, Sir, a spirit of co-operation between the people and the Government in every matter. I see that the policeman is looked upon as a friend by the Congressman. Is it not a good thing? I see in the policeman's eye—though hon. Friends may not see it,—I see in his eye that he thinks the Congressmen are his friends. It is mutual. I say that is law and order. It is not merely the lathi, it is not merely the baton or the pistol that preserves law and order. It is I say the bond of love, the bond of fellow-feeling, the feeling that we are one in the State—that keeps law and order. I maintain that we do stand for law and order and will stand for law and order. What offence is it?

"My hon. Friend referred to the Hon. Dr. Rajan's visit to Guntur. He said that a Congress volunteer came and said: 'I have come with a bottle. I must go to the cholera house. I have orders to carry medicines.' It is very bad, said, Sir K. V. Reddi. I wish everybody is as eager as that Congress volunteer to carry bottles to cholera houses. I wish that everybody came and worried the Minister in a matter like that. The district magistrate himself went to the spot and gave medicines and I think he himself took the patients to the cholera house. That is law and order. It is not merely servility that can be called law and order. And let me tell my hon. Friend how the Collector of the district looks at it. The Collector looks at it in a different way from him. He has complimented the Congress volunteers. I find from his report that he is pleased with the manner in which the Secretary of the Local Town Congress Committee has practically taken charge of the ambulance department. He goes to the homes of patients taking medicines, and also brings patients to the hospital. I say that is not bad. It is a great thing that has been achieved, even if it is a single instance. The Collector hopes that after the epidemic subsides this spirit will continue. He says 'why should it not continue?' This is an answer to what Sir K. V. Reddi has said. The executive, as I know them, will not complain if they get any amount of co-operation from the non-official public including the Congress volunteers. So it should not be imagined that everything must be done by force and by the officials themselves and not with the co-operation of the people. Therefore there is no point in the argument that we are a bad Government because everybody thinks now that law and order is gone because some people have been released. Sir, the Government of India is releasing people who are charged with offences involving violence. Does it mean that law and order has gone in the Government of India also? There is no such thing. We have come to a stage—a psychologically important stage—in the development of the national mind when it is necessary to release prisoners, to forget and forgive and to take over the people along with the Government and to make no distinction between one and another. The fear that anybody may have that these new people who have come into the Government will upset the prevailing order, I think, is not based on a good understanding of what is the Congress ideal.

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"Then, Sir, a word perhaps, if the House will be patient, about the question of buttermilk. It is an old question, but it has taken a new turn. One hon. Member said—and I think he really felt like that—'It is simply the result of some kind of political superstition. Buttermilk need not have been given. It is not so necessary as an article of diet for the prisoners.' It seems that he suggested that buttermilk may be necessary and may be good for the politicals who may be interested in that. 'Why change the diet of prisoners in general and make a change in their habits of life?' it was said. Let me tell at once that if the party to which the Government belongs finds itself in prison again, and has to go, I take it that the buttermilk may be withdrawn again. (Laughter.) I make a sporting offer. It should be withdrawn. We do not want to legislate for ourselves. It is not that. It is in the power of the Government that will then be, when we go out to prison, to remove this buttermilk from the diet and to remove the classification and everything else. We do not for a moment imagine that what all we do now will remain for our benefit later on. I say it should not remain. But what we have done, we have done from the experience of the prison diet more than the gentlemen who sat on those Treasury Benches before. We know how they live inside the prison. We know what they want. We have got many more reforms to do in prison matters. We have no time to do all that. We are trying to eat while we are on horseback so to say. We have only just touched the fringe of the problem. We will soon tackle the problem with a very inside knowledge of prison life. (Laughter and cheers.) Here let me say in passing that it is wrong to imagine that buttermilk is not a good thing for the diet of the prisoner. Friends, if they knew how day-in and day-out, for their whole lifetime practically, the prisoners live on a particular regulated diet, they would see what the deficiency would amount to. It is really extraordinary luck, it is really some mystery of nature that we have not explored that we have kept the prisoners as healthy as they are now under the conditions they are in. The vitamins, the principles that are in the buttermilk are necessary. It is a little bit of the cow; a little bit of the cow's product. Even if it goes in a most diluted form in the shape of buttermilk to the prisoners, it will give a great deal of health. We may ask doctors and others whether buttermilk is good or bad. I remember long ago, very long ago, to have read in a book that buttermilk is a very good thing. The principle there is a very important thing known to the East. It was unknown to the West where it now goes by a long name after the principle contained in it. It is not to be put aside as something of a political bascilli. It is a good thing and, if you work so hard as the prisoners are made to work, Sir, you would all feel that a little quantity of buttermilk in the afternoons when they are thirsty is a necessary addition to make life tolerable in the prisons. So, let it not be mistaken that the programme to which we have been committed in former times is associated with the supply of buttermilk.

"I do not think, Sir, that I need say anything more except making a reference to the salary cut. It was said, Sir, that retrenchment is better than salary cut and all that. I do not think I need go into that

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now. The thing is being examined. I can only assure the House that nothing that is improper will be done. The standards vary. It may be that it is very hard for people who have been accustomed to a certain standard of living and have commitments in various other ways, to accept a certain cut. But all the same, if we have to govern this country, we have to bear in mind the fact that there is no other country in the world where the judges and principal officers receive the salary in the same ratio of salary in proportion to the national income. It is really strange and extraordinary that it is necessary to argue on it at such length. I can understand the argument of the law. I can understand the argument arising out of the fact that a large number of people have been imported from abroad and that there are restrictions and limitations to retrenchment. How can you have disparity and so on. All that I can understand; but what I cannot understand is that friends forget altogether the other picture when they are considering difficulties on this question. If we consider the difficulty in regard to the salaries it is understandable. But when we say that it is intrinsically and intimately and inextricably associated with the tax-payer whose condition is admitted to be just the opposite, how can we altogether forget the one when we realize the difficulties and the demands of the other?

"Wise statesmen and wise members of the legislature should therefore keep both the pictures before them. It is no use forgetting the one and remembering the other. 'You must give us this; you must give us that; what about additions to this college?' What about irrigation? Where is the land revenue remission? The previous Government gave 75 lakhs and you must give 175 lakhs.' In that way the argument is carried on. So you must keep all sides of the picture before you, if you wish to co-operate with the Government. It is therefore wrong to say that it is bad logic to apply the cuts only to a certain class of people. We must have bad logic. We must have even anomalies if we want to get over this trouble and if we want to put our schemes through. But anomalies are no answer to our problem. If you want to cut the salary of a man who is drawing Rs. 200, he asks why all the salaries of people who are drawing Rs. 300 or Rs. 500 should not be cut and that his salary left uncut. Wherever you begin the cut and in whatever degree you cut the salary, there will always be anomaly. I cannot help it. If you are hungry you do not go by anomalies. You take up whatever is near to you and satisfy your hunger and then analyse and see whether anomalies could be removed. It is stated that the country is in a state of hunger for retrenchment. We must retrench. Some people say 'do not cut the salaries of subordinates; we can remove some supernumerary appointments; some posts are unnecessary.' Those who do not see the stars say they do not exist. Because you have not seen men working, it does not mean that they have no work. It is not right to come to the conclusion that they have no work, because you do not actually see them working, and proceed to dismiss them. All these Government servants are surrounded by active and vigilant men and they will bring to the notice of the Government if anybody sits quiet and does nothing. If such cases are brought to their notice, they will

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examine them and deal with them according to the merits of each case. But I ask 'which is the better thing to do; is it better to drive out men who have been drawing salaries all these years and who, just in the same manner as others are committed to certain items of expenditure, or is it better to keep them on in service and ask them to agree to a certain percentage cut in their salaries?' I submit that graded cuts in salaries are much more humane. Of course we will remove it if it is not necessary. There is no doubt about the administrative necessity for the cuts. We cannot be making commitments against the tax-payer. Of course the tax-payer is the man to bear the brunt of the burden. That does not mean you must prefer the method of sending certain number of people home dispensing with their services rather than cutting down their salaries. I am not experienced in the art of budget-making. I have a little experience of strike situations and difficulties in factories. Therefore I know that poor workmen are willing to reduce their salaries rather than see that some 40 or 50 of their fellow-workers are sent home arbitrarily on account of retrenchment. If one man is arbitrarily dismissed or sent away all the other men go on strike however much they starve. As has been suggested very glibly in the course of the discussion, the ordinary labourer understands the humanity of keeping everybody at work rather than taking away some of them. They have not got the mentality of asking that those people who are drawing high salaries and who have no work be sent away. That is not their mentality. They have got more humane feelings. Of course people may say the labourers are all united together and we officers are here separated from one another, and therefore there is such a fellow feeling there. But I would point out that the principle is the same in both the cases and therefore I say that we must not prefer throwing men into unemployment to reduction of their salaries. That is the policy we are trying to adopt. Of course another argument is there are some people who have no work. In such cases it will not be possible to dispense with the services of such people and find other employment for them. The only thing that could possibly be done in such cases is to distribute the existing work among all. In that case some men either at the top or at the bottom will have to go.

"In these circumstances, I need not go into details now because there is no question of a detailed examination or cuts pertaining to particular grants. This House deals with the general features of the budget, and naturally, Sir, here the level of debate is very high and I am thankful to hon. Members for that. There in the other House people raise their hands and get what they want. Here opinions have to be expressed and a moral influence has to be brought to bear upon the debate—so the value of the debate is very much more enhanced and very much deeper. I may say without any offence to the other House that the level of debate here is very high and I am therefore proud of having participated in it. I thank all hon. Members who criticised the budget from various points of view. Let me say here again I feel on the whole that the budget seems to have been approved from the spirit in which criticisms have been offered; and need I say anything at all about the most generous manner

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in which the hon. the Leader of the Opposition wound up the debate—I think I could not have said so much for the proposals I have introduced as the Leader of the Opposition was generous enough to say in the intense feeling of co-operation that he feels apparently in regard to those who have taken up office under very peculiar and difficult circumstances. This great good will that has been exhibited is something so encouraging that, in spite of all the difficulties which hon. Members have pointed out with regard to financial commitments, prohibition and all that, and in spite of all the difficulties that they have pictured before us as to what will be the financial position of the Province even before the next budget, I hope that we will be able to get through all our programmes as I am perfectly sure that the national will such as we have got will not go in vain. I have therefore every hope that we will do well and that this budget has received the approbation of the House. I do not think I need say anything more. I crave pardon, through you, Sir, for having detained the House so long."

The House then adjourned to meet again at 3 p.m. the next day.

## THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 10th September 1937.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. President (the Hon. Dr. U. RAMA RAO) in the Chair.

### I.—QUESTIONS AND ANSWERS.

#### STARRED QUESTIONS.

\* 61 Q.—

When Question No. 61 given notice of by Mr. L. Subba Rao was called by the Hon. the President, the hon. Member was not in his place.

DR. C. RAMALINGA REDDI:—"Will it be in order for any other hon. Member to put the question?"

MR. PRESIDENT:—"With the permission of the Chair."

DR. C. RAMALINGA REDDI:—"I request your permission, Sir."

MR. PRESIDENT:—"Yes."

#### *Conveyance allowance paid to Inspectors of Motor Vehicles.*

DR. C. RAMALINGA REDDI *on behalf of* MR. L. SUBBA RAO:—Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether Inspectors of Motor Vehicles are paid any conveyance allowance; if so, how much;

(b) what the conveyance allowance paid is to an Inspector of Police who is required to maintain a motor conveyance; and

(c) whether the rank of an Inspector of Motor Vehicles is the same as that of an Inspector of Police?

THE HON. MR. K. RAMAN MENON:—" (a) They are paid Rs. 20 per mensem.

" (b) Rs. 25 per mensem are paid to an Inspector of Police who is required to maintain a motor conveyance.

" (c) Motor Vehicles Inspectors and Inspectors of Police are of approximately the same rank, but the nature of their work is different."



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*Motor vehicles taxation in this and other Provinces.*

\* 62 Q.—MR. L. SUBBA RAO: Will the Hon. the Minister for Courts and Prisons be pleased to state whether the Government will be pleased to place on the table the comparative figures of this and other provinces regarding motor vehicles taxation?

THE HON. MR. K. RAMAN MENON:—“Complete up-to-date information regarding taxation of motor vehicles in other Provinces is not available. It has been called for.”

*Licence fees paid for motor vehicles maintained by Inspectors of Police and Inspectors of Motor Vehicles.*

\* 63 Q.—MR. L. SUBBA RAO: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether the Government pay licence fees for the motor vehicles maintained by Inspectors of Police;

(b) who pays the licence fees for motor vehicles maintained by Inspectors of Motor Vehicles; and

(c) what are the respective jurisdictions of an Inspector of Motor Vehicles and an Inspector of Police?

THE HON. MR. K. RAMAN MENON:—“(a) The Government presume that the hon. Member refers to the tax payable under the Motor Vehicles Taxation Act. The Government pay this tax on behalf of those non-gazetted Police Officers who have out of door duties to perform, for the efficient performance of which the Inspector-General or the Commissioner of Police as the case may be, certifies that a motor vehicle is necessary.

“(b) Inspectors of Motor Vehicles pay the tax themselves.

“(c) The jurisdiction of an Inspector of Motor Vehicles extends over the whole district in which he is employed. An Inspector of Police is ordinarily in charge of one of the circles into which a district is divided.”

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

## II.—MOTION UNDER RULE 15 (3).

THE HON. DR. T. S. S. RAJAN:—“Mr. President, under rule 15 (3) of the Council Rules, I move that item II on the Agenda be taken up first.”

The motion was put and carried.

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## III.—MOTION RE THE CONSTITUTION OF A COMMITTEE TO ENQUIRE INTO THE CONDITIONS IN ZAMINDARI AND OTHER PROPRIETARY AREAS.

\* THE HON. MR. T. PRAKASAM:—“Sir, I move—

‘That this Council do proceed to elect three of its members, who, with six more members elected from the Legislative Assembly, shall constitute a committee to enquire and report on the conditions prevailing in zamindari and other proprietary areas and any legislation that may be considered desirable in connexion therewith, with particular reference to the following matters:—

- (1) The juridical interests of the ryots in relation to the landholders;
- (2) collection and remission of rent;
- (3) survey, record of rights (including water-rights) and settlement of fair rent;
- (4) levies from ryots in addition to rent;
- (5) utilization of local natural facilities by tenants for their domestic and agricultural purposes; and
- (6) maintenance of irrigation works.’

“Sir, the object of the present resolution is to get an authoritative opinion from the two Houses of the Legislature in this Presidency to devise suitable legislation in order to bring about a complete and lasting understanding between the zamindars and the tenants in this Presidency. Numerous memorials are pouring in from tenants and their associations in zamindari areas complaining about their hardships in relation to their zamindars. Complaints have been received from zamindars also that they are not able to collect the rents as smoothly and fully as they could expect even after giving sufficient margin to the effects of the economic depression. It will be admitted without much argument that the present law dealing with the subject, namely, the Madras Estates Land Act as amended by the Acts of 1909, 1934 and 1936 has not solved this question. It will be seen from the terms of the resolution that the object is not merely to consider the defects of the existing legislation but to go deeper into the problem as regards the conditions prevailing in the zamindari and other proprietary areas with special reference to the items mentioned in this resolution. If this legislature is to be enabled to come to a decision of far-reaching effect, it has got to consider the real and juridical nature of the relationship between the ryots and the landholders. In this connexion, I may point out that it was a long time back that this tenure came into existence. I do not wish to take this House into the history of the whole matter. It is enough if I point out that before the Permanent Settlement was established in 1802 . . .”



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MR. J. A. SALDANHA:—" May I suggest that the Hon. Minister may speak a little louder? "

\* MR. PRESIDENT:—" The Hon. Minister will raise his voice."

THE HON. MR. T. PRAKASAM:—" Before the Permanent Settlement was established the relationship of the zamindar and the tenant was somewhat peculiar. After the Permanent Settlement there were four or five regulations which attempted to modify the original regulation. Between 1802 and 1865 when the Rent Recovery Act came into force, the relationship had had a chequered career. After that Act was passed it took nearly 45 years before the Estates Land Act came on the Statute Book. I may say in this connexion that during the whole period ever since the East India Company assumed management of the revenue of this country until the Estates Land Act was passed, the principle that was admitted was that the relationship between landlord and tenant should be regulated and decided according to the law and constitution of India. Throughout, that was the principle. That was adopted even by Lord Cornwallis when he took charge of the Government of India. That is why the juridical relationship of the landlord and the tenant is stated as the first point. All the other points mentioned in the other clauses of the resolution depend largely upon this question which has not been conclusively decided until now. On this point depend several other questions, as for example, the customary rights claimed by the zamindars and denied by the tenants. It is obvious that no decision upon such an important juridical problem can be made off-hand unless a Committee of the Legislature gives its carefully considered verdict after such enquiry as may be necessary.

" Clause (2) of the resolution deals with the collection and remission of rent. It may be stated that most of the complaints received from the tenants are in relation to this subject. The tenants complain that the method of collection is unduly harsh and savours of a feudal spirit of tyranny on the part of the zamindars. The zamindars deny it emphatically. The tenants claim statutory rights for remission of rents under certain conditions. The zamindars protest against the inclusion of any such statutory obligation and refer to their rights under the Permanent Settlement Regulations, while the tenants complain of their disadvantageous position as compared with the tenants in the ryotwari areas.

" Clause (3) relates to survey, record of rights (including water rights) and settlement of fair rent. It may be stated that the whole crux of the problem between the tenant and the zamindar is with regard to this. If all the zamindari areas are surveyed and a record of rights is made after a careful enquiry, possibly several of the problems and much of the litigation between the tenants and the zamindars will be avoided, which means that both the zamindars and the tenants will have some physical and mental peace which can be better utilized and developed for nation-building activities.

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" Clause (4) deals with levies of fees from ryots in addition to rent. There are several memorials before the Government from the ryots that levies based upon some custom or rule are illegally made by the zamindars and that they must be put a stop to. The zamindars possibly put their claim upon the ground of their overlordship. The tenants complain that while the lands are subject to a heavy burden of rent, these extra levies are pushed to a breaking point. The solution of this question also depends upon the answer to the question in clause (1), viz., juridical relationship.

" Clause (5) deals with the utilization of local natural facilities by tenants for their domestic and agricultural purposes. The life of the tenants can possibly be made better, more happy and more economical, if natural facilities such as forest and grazing facilities on which the zamindar has invested no money, are allowed to the tenants, not for any commercial or profit-making purposes, but for their ordinary domestic and agricultural purposes. This is closely connected with the general poverty of the agricultural population of this country and a heavily taxed tenant is naturally anxious to have these facilities free of cost. The zamindar on the other hand complains that these are the very things upon which he was given rights under the permanent settlement regulation to expand his resources and income. There is the human point besides the merely legal point of view on this question. On this also the considered opinion of the committee will be necessary and useful. 3-15 p.m.

" The next clause deals with the maintenance of irrigation works. Next to his immediate demand for food in the house is a demand for the proper maintenance and upkeep of the irrigation works, for upon their maintenance depends the prosperity of the tenants. Some attempt has no doubt been made in the recent legislation of 1934 with regard to the compelling of the landlord to maintain the irrigation works in a good state of repair; but the numerous complaints from various zamindari areas in this Province go to show that the Amendment Act of 1936 has not been able to give the desired relief to the tenants. The zamindars also will realize that on the contentment and prosperity of the tenants and on the existence of well-maintained irrigation works depend their own prosperity.

" It will therefore be seen that a contented tenantry not overburdened with rent, enjoying natural and artificial facilities for increasing the agricultural output of the land on the one side and a contented set of zamindars who derive their rents from a contented tenantry on the other, will add to the national economy in a greater degree than at present. There are altogether more than 1,500 zamindars in this Presidency (the tenants' number I have not been able to get until now), having in their possession more than 13 million acres of cultivated, cultivable and uncultivated area. The zamindars derive from these tenants a total revenue of slightly over two crores of rupees, while they pay about forty-seven lakhs of rupees as peshkush

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to Government. As the problem affects such a wide area and such a wide population of tenantry, the urgency of this problem need not be emphasized. Most of the hon. Members are aware of the very widespread agitation on behalf of the tenants in this Presidency. The landholders may say that most of the complaints against the zamindars are baseless. The tenants may say that they are not putting their demands at a high pitch although they are entitled to; but this state of agitation is not desirable, if this Presidency should make a fair progress. The Government have therefore felt that they should move the legislatures to elect a committee to enquire into the conditions of the tenants in zamindari areas and make such suggestions for legislation as may be considered necessary, with particular reference to the points raised in the resolution. All the parties interested will lead evidence before the committee; and will have a fair opportunity to approach the problem from local, historical and administrative points of view. Thus it is hoped that an acceptable solution of the questions involved will be arrived at.

"I move therefore that this resolution may be accepted by this House."

\* MR. T. C. SRINIVASA AYYANGAR:—"Mr. President, I rise to second the motion moved by the Hon. the Minister for Revenue.

"There has been a suspicion in the minds of zamindars and others that drastic action was contemplated against them by the Government by way of abolishing the zamindaris. I am glad that the speech of the Mover has tended to dispel all such apprehensions. As has been said by the Hon. Minister, an investigation is to be made regarding the conditions of the tenures prevailing in the various zamindari and proprietary areas and accurate information got. That alone will lead to good and efficient legislation. For, during the last two or three years, we have been familiar with certain pieces of legislation in which without preliminary investigation, without reports being called for from the Revenue officers or from the Revenue Board, merely certain proposals for legislation were put forward and passed into law. That has given rise to considerable heartburning. So, it is essential that a detailed investigation should be made, facts ascertained and arranged and sound proposals made thereon. That would put the relationship of the tenant and the landlord on a better and proper footing. It is wrong to assume that the conditions of the tenure are uniform in all the zamindaris in the Presidency, nor are the circumstances attending the origin of the zamindaris same. Some of the zamindars are the descendants of the farmers of revenue under the East India Company, who were perhaps accustomed to collect what all was possible from the ryots. Another class are the holders of some zamindaris which were ancient kingdoms of the ancient rajas and military chieftains who exercised more or less sovereignty. In these zamindaris, the conditions of the tenure are favourable to the ryots. I can point to one at least

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of such zamindaris where there is a provision for remission of rent, remission automatically of the whole rent for dry land or wet land, as the case may be, if non-cultivation thereof was not due to any neglect or wilful default on the part of the ryots. One case under section 4 of the Estates Land Act went up to the Privy Council where Their Lordships said that if there were beneficial customs to such effect, the same should be upheld and the sections of the Act applied subject to the custom. Further there are some zamindaris where the provision for enhancement of rent in the Act was not taken advantage of. But there are others where that and similar provisions were utilized and difficulties have arisen. So, with a view that the relations between the zamindars and ryots should not continue to be embittered but on the other hand placed on a better footing, it is absolutely essential that investigation should be made of the existing state of affairs, so that any legislation that is to be passed may be based on assured facts. With these words, I have great pleasure in seconding this resolution."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Mr. President, the House may wonder why a man who is neither a zamindar nor a tenant should take the earliest opportunity of speaking to this motion. But as one interested in the general welfare of the population I may claim the right of a word at the commencement of the proceedings regarding this motion. This motion, I understand, has not yet been before the Assembly: it comes here for the first time, and there is therefore some remote chance of a suggestion, if it seems acceptable, being put through and accepted by the Ministry.

"This motion, Sir, deals with a very complicated and troublesome matter. The committee that is to be appointed will take months to complete its labours, and I am afraid its work will be attended with much contention and bitterness. But I do not say that the matter should be avoided. It is well that the Ministry at the beginning of their career undertook this huge task. But when such a question is taken up, we can think of two sorts of committees, either of which may be appointed.

"One committee is that which the Ministry has thought of, a purely parliamentary committee consisting of members of both Houses, chosen by ballot. That is one way of dealing with the matter. But I venture to think that a committee dealing with such a vast and important affair might be constituted on a more cosmopolitan basis. To confine it to the members of the legislature, it seems to me, does not guarantee, when this committee is functioning, that the various interests concerned will be able to put their case before it. They may say, 'Wait until the committee has reported.' I should prefer that the committee is composed of representatives of the various interests, not excluding the members of the legislatures, composed, say, of some members of the zamindari class, some members representing the peasantry, some members representing the more considerable tenants,

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and one or two perhaps representing the general population. A committee so composed and, if I may add this suggestion, presided over by a person having judicial qualifications, would be more authoritative, and a report signed by them, although it may be divided into majority and minority reports, will have cleared the ground to such a large extent that the legislatures could then venture into this very thorny field. That is the suggestion which I wish to throw out. It may or may not be proper, but it seemed to me—I do not mean to oppose the amendment—that I might just make this suggestion for the consideration of the Ministry.”

3-30  
P.M.

MR. J. A. SALDANHA:—“I entirely agree with my Rt. Hon. Friend in the suggestion that he has made. Personally I have no interest in the matter either as a zamindar or a tenant but I have had some experience as a judicial officer in the Bombay presidency and also as a member of more than one committee on the Malabar Tenancy Bill. I feel that adequate justice cannot be done to this question by a committee composed of three members of this House and six members of the other House. And it is not clear also how far it is proposed to legislate. The wording of the resolution is simply this: ‘a committee to enquire and report on the conditions prevailing in zamindari and other proprietary areas and any legislation that may be considered desirable in connexion therewith with particular reference to the following matters . . .’ I have got a suspicion that Government want to go further than the apparent text of this resolution indicates. Because one of the objects of the Congress Party is to do away with the zamindari system altogether. Therefore I am afraid that in the guise of this resolution they are going further than the words of the resolution actually mean. If that is the case, the question arises . . .”

(At this stage Diwan Bahadur R. Srinivasan was going towards his seat).

\* MR. PRESIDENT:—“The hon. Member should not pass between the Member speaking and the Chair.”

MR. J. A. SALDANHA:—“I want to ask whether this legislature is competent to deal with legislation in regard to zamindaris, which is of a confiscatory nature. If that is the idea behind this resolution, what is there in it to show that adequate compensation will be given? Considering therefore all these difficulties of a thorny subject like this, I think the suggestion of the Rt. Hon. Srinivasa Sastri is a very appropriate one. I would strongly urge that we should not proceed further with this resolution until a further meeting of the Cabinet is held and the resolution is amended in such a manner as to enable the committee to be appointed to co-opt members from outside and to enable the Government also to nominate a President with judicial experience. Therefore without going into the formalities of a motion or amendment to the resolution, I would request the Hon. the Prime Minister and the Hon. the Revenue Minister to let this House know what their views on this subject are.”

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\* DR. SIR K. V. REDDI NAYUDU:—“Mr. President, Sir, I rise not to oppose this resolution but to offer a few remarks. As one coming from a district where more than half the area is covered by these zamindaris and as one who has taken some interest in this matter when the previous Bill amending the Estates Land Act of 1908 was under consideration and also as one who as Prime Minister tackled some of these problems or attempted to tackle them, I wish to place a few ideas before the Hon. Minister for Revenue. During the short period I was Premier, I considered three questions. The first was about remissions. The second was about what in Scotland are known as rent courts which fix fair rent and the third was as regards the maintenance of irrigation works. In the Estates Land Act we have a provision for the repair of irrigation works, the rule being that it is open to the zamindar or the tenant to apply to the Collector of the district and the Collector can order repairs recovering the cost from both afterwards. But that has failed in its purpose because either the tenants are indolent or have not the courage to go to the Collector or the zamindars are unwilling to invest money in the repairs of most of these tanks. Nothing has been done and I wanted to see if the Collector could be given the power to act *suo motu*, without any application from the tenant or the zamindar, to order the repair of the tank and then recover the cost from the tenant and the zamindar. From the official notes, the Hon. Minister will find that as the Act stands at present the Government have no power to interfere. Therefore we had to drop the matter.

“So far as the rent courts are concerned, it is only in Scotland they have them. There it is open to the landlord or the tenant to appear before the court and ask for a modification of the rent. The provisions contained in the present Act are inadequate in this respect. For instance there is a provision that once in 20 years the zamindar can claim an increase in rent not exceeding two annas in the rupee. On the other hand where there has been erosion of the land and the tenant finds that he has been paying rent for land which is not in his occupation, he can appear before the Collector—in this case it would be the Divisional Officer—and claim a corresponding reduction in rent. That provision too has been found to be inadequate. A rent court on the lines of the Scottish rent courts may not be feasible in this country. The conditions are different. The tenants in our zamindaris are not in the same position as the Scottish tenantry. That is mostly due to historical conditions which it is unnecessary just now to go into. But there should be some provision in the Act whereby it would be open to the tenant on the one hand and to the zamindar on the other to ask for a change in the rent if the circumstances justify such change.

“As regards remission, Sir, it is well known that in the ryotwari areas a certain amount is allowed for various reasons. My hon. Friend from West Godavari was saying the other day that these remissions

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even in the ryotwari areas have not been satisfactory. The officials have got their own code and they speak of a two-anna crop, one-anna crop, and 12-anna crop and so on and so forth. And very often when we only get an 8-anna crop remission has been refused. A great deal depends on the revenue inspector and the village karnam, for in their reports it is open to them to say that a one-anna crop is a 12-anna crop and remission might be refused. But it is worse in the case of the estate tenants. They have no such provision in the Estates Land Act in this respect and it is only fair that at least to the small extent to which the ryotwari tenant is protected, the zamindari tenant also should be protected.

“ Having said all this, I may say I am in favour of a committee; it need not necessarily be the committee suggested in the resolution. I am in favour of a committee which should go into this question which has a long history behind it. There has been a great agitation on this question and rightly or wrongly the tenants dislike the zamindars and the zamindars dislike the tenants. They may tell us in conferences and meetings that they love each other. But the fact remains that the feelings between the zamindars and their tenants have not been such as one would desire them to be. And when the relations are fairly settled and a compromise reached agreeable to both parties, if that could be done, nothing would be better than that.

“ Sir, that brings me to the question raised by my Rt. Hon. Friend. I considered that suggestion a little while ago and I feel that there may be some sort of technical difficulty in appointing a committee like the one proposed by him. Ordinarily when a legislature appoints a committee it will be a parliamentary committee. *Ad hoc* committees, if I may so call them—I think that is what the Rt. Hon. Sastri has suggested—may no doubt be composed of members of the legislature as well as outsiders. But these *ad hoc* committees are appointed by the Government. The latter receive their reports, consider them and come to their own conclusions and then come to the legislature with their proposals. The question therefore now arises: Which is the more feasible course? If it is to be a committee of the two Houses of the Legislature, surely the resolution put forward by the Hon. the Revenue Minister will have to be passed. If on the other hand it is considered that it will be more feasible to have an *ad hoc* committee composed of representatives of the zamindars and the tenants and those who have no interest in either of them but would look at the matter in an impartial manner, then, Sir, a committee like the one suggested by Mr. Sastri will have to be appointed. It is for the Government to decide the question. So far as the opinion of this House is concerned, no doubt hon. Members who have had experience of these matters will give expression to their ideas.

“ For my own part I think that there are advantages and disadvantages both ways. One reason which my Rt. Hon. Friend Mr. Srinivasa Sastri has given, appeals to me strongly, and it is this. Seeing

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that the feelings between the zamindars and the tenants are bitter, seeing also that the contest would be somewhat unequal, seeing that <sup>3-45</sup> the zamindars have got resources which the tenants may not be able to secure, and the tenants fix their strength in their numbers and considering also the entire facts which I shall presently mention, it will always be a very advantageous and a very useful thing to refer the matter to a committee whether it be a regular committee or a committee which need not take the shape of any authority. On the question of an *ad hoc* committee, what I feel is this; a strong feeling exists between these two parties and might not cease to exist even after legislation is passed. It is the duty of the Government, of the Hon. Members on the Treasury benches, to realize that peace should be secured—I do not say ‘at any cost’ but at a reasonable cost. That can be secured without first approaching the legislature; of course we know that opinions will differ; we know the attitude of the Government and the strength of the Government and it is idle to expect that any measure that is brought forward by the Government can be defeated in this House, much less in the Lower House. In these circumstances, to gain the confidence of the people, to gain the confidence of the zamindars and the tenants, I would like to place before the Hon. the Minister for Revenue this view for his consideration, whether it will not be possible to arrange for a conference, an *ad hoc* conference. As the Rt. Hon. Mr. Srinivasa Sastri has stated, Members of both the Legislatures and outsiders might sit on it and the committee may be presided over by a high Judicial Officer of the rank of a Judge of the High Court. But there is one difficulty in the last suggestion. The Judges of the High Court always hold the scales even in their hands and their mentality is such that any ruling given somewhere would always be bothering them whether it would be right to take a certain course. This is rather a political matter, if I may say so because it is not merely the adjustment of the rights of the tenants and zamindars, but it is the question how far peace can be secured between these two classes and how far justice can be rendered to these two classes. Therefore the idea of having as President a Judge of the High Court or some one equal to him does not very much appeal to me. But that is a very minor matter and a matter of detail. It may be agreed that better justice and greater advantages will be secured by having a committee, call it a committee or a conference whatever you like; call for a meeting of the two classes or their representatives with the Hon. Minister himself in the Chair, discuss all the points, come to some conclusion on the lines on which you should proceed and then come to the Legislature. Opinions will be expressed in the Legislature. But I must not be understood to oppose the views of either the Hon. Minister for Revenue or of my esteemed friend, the Rt. Hon. Mr. Srinivasa Sastri, except on the question of presidentship of the committee.”

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\* MR. L. SUBBA RAO:—“ Mr. President, Sir, in rising to further support this motion, I should like to place before the House a few matters, particularly regarding sub-clauses 2, 3 and 6. Having regard to my past experience in courts and the fact that I am also a zamindari ryot, I might say something about the collection of land revenue by the zamindars; land revenue is generally collected from the tenants in the months of September, October, November and December; while the crop is still on the land, while the crop is not yet ready to be harvested, the zamindar begins to attach the movable and other properties of the tenant sometimes early in October. Those terms relating to the collection of rent require readjustment very shortly. This motion has not come a day too soon. With regard to the remission of rent, you do not find any workable provision in the Madras Estates Land Act to enable the ryot to get remission. So, the ryot in the zamindari areas is in the condition of an insolvent. If the tenant is sticking to the land, it is because he has no other occupation available for him. Particularly after the economic crisis which reached its rock-bottom level in the year 1933, the ryot has been hard hit. I may mention to you that in my district of East Godavari certain influential zamindars filed suits for enhancement of rents in the year 1932-33 when the economic depression was at its worst, on the ground that there was rise in prices during the previous twenty years. I may tell for the information of the House that the rent of certain lands averages from Rs. 50 to Rs. 60 per acre; that is no exaggeration at all. While the rate of rent in the neighbouring ryotwari villages does not exceed Rs. 13 or Rs. 14 an acre, the rate of rent in the zamindari villages averages from Rs. 50 to Rs. 60. The ryot is not in a position even to meet his daily needs; that is the position of the zamindari ryots in certain villages. Rack-renting beyond all reasonable limits has been going on. Apart from the very comprehensive legislation which this resolution foreshadows, I might submit for the information of the House that immediate legislation should provide for regulating the collection and remission of rent and for survey and record of rights and settlement of rents. There is this difficulty in the Estates Land Act. Maximum rent is not actually fixed in the Estates Land Act with reference to villagers in the zamindari areas; what is paid in the zamindari area is not paid in the ryotwari area.

“ Then with regard to the collection of rent, there is another difficulty; the zamindars as a class are not subdividing the pattas; they want to keep the whole lot as joint pattadars and to make all of them liable for payment of rent and keep them under their thumb. If any tenant, any influential tenant incurs the displeasure of the zamindar, what the zamindar does is, he does not collect the rent from the other tenants; he does not ask them to pay the rent for their shares; he proceeds against the influential ryot who perhaps owns an hundredth part of the patta and levies the whole amount for him, because he is jointly liable along with ninety-nine others. This tenant has to file

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a suit for contribution and the remedies which he gets are far from satisfactory. In this condition of things, special provision should be made for the grant of separate pattas in zamindari areas. The procedure now prescribed is very circuitous; even with the latest amendment of the Act there is some amount of difficulty and even that does not work out to the salvation of the ryot.

“ With regard to the maintenance of irrigation works, the condition of the ryots in the upland tracts is very deplorable. The distribution of water from the irrigation sources is all in the hands of the zamindar. If the zamindar takes it into his head to ruin any particular ryot, he cuts off the water-supply and before this man goes to the court and establishes his right, three or four seasons pass away and the ryot is ruined and will be nowhere. That is the position of the zamindari tenant. In the deltaic areas the position of the zamindari tenant is not so bad. All the irrigation sources are in the hands and under the control of the Government. It is the Government that distributes water; the zamindar has nothing to do with the distribution of water-supply in the deltaic areas. In non-deltaic areas in the ryotwari villages, it is the Government that distributes the water. In the zamindari upland villages it is the zamindar that distributes water. I do not see any reason why the distribution of water in the upland tracts in non-deltaic areas should not be placed in the hands of the Government as minor irrigation works and why water should not be distributed in the manner in which it is done in the other ryotwari non-deltaic areas.

“ Particularly with regard to sub-clauses (2), (3) and (6), the oppression which the zamindari tenant feels is incalculable and this resolution has not come a day too soon.

“ With regard to the observations made by the hon. Member, Mr. Saldanha, I do not find anything in this resolution which savours of or which goes anywhere near the abolition or extinction of zamindaris. It only tries to regulate the relations between the tenant and the zamindar and it is stated nowhere that there should be abolition of the zamindari areas or extinction of zamindari areas. The question of the competency or otherwise of this House to deal with such a legislation does not now arise.

“ With regard to the remarks of the hon. Member, Sir K. V. Reddi Nayudu, I find that the section he refers to has only reference to the contribution, that it should be distributed half and half between the zamindar and the Government. So far as the tenant is concerned, he is not entitled ordinarily to approach the Revenue authorities except under special circumstances, and the crops will be starved in the meantime almost very nearly to death for want of water. I will not say that this is a political question at all. It is merely an economic question. It

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has nothing to do with politics or contractual relations. This is an economic question and the earlier this question is solved, the sooner will the condition of the ryot in the zamindari villages be improved. With very great pleasure I commend this resolution for the acceptance of the House. As for the formation of the committee, I will leave it entirely to the Hon. Minister in charge of Revenue."

\* THE HON. MR. T. PRAKASAM:—"Sir, the Rt. Hon. Mr. Sastri was the first speaker. His point was that a committee outside these two Houses, a non-parliamentary committee would be better. I was really wondering at the suggestion of the Rt. Hon. Mr. Sastri. In a matter like this it is strange that an outside committee would have been considered better than one elected by the two legislatures here. Provincial autonomy is established now; under provincial autonomy, representatives of the nation are in the legislatures. A parliamentary committee alone will be the proper committee under the present circumstances. Why the Rt. Hon. Mr. Sastri thought that an outside committee would be better, I am really unable to understand. What is the position of an outside committee? Whom do they represent? Under the 4 p.m. constitution all the members of the lower legislature have been elected and a Government has been constituted representing the people as a whole. All of us sitting here, have to abide by the decision of the majority. Minorities will be there always in any constitution and in every country. Minorities are always bound by the decision of the majorities. That is real democracy. With all the influence that my Rt. Hon. Friend commands why should he have been the first to support a committee of this kind? And why should his mind be still travelling outside these legislatures. Is it because that the Rt. Hon. Mr. Sastri does not believe in the representative character of these legislatures? Is it because he does not believe that provincial autonomy is established at least in the provinces now? Of course, we have had enough of fight over all these things in the past. But when we have now settled down and when parliamentary committees are proposed, it is most extraordinary that any such suggestion should have been made.

"Then, Sir, my hon. Friend, Mr. Saldanha, has followed up the Rt. Hon. Mr. Sastri, but he does not raise the same objection. He has come out with some grave suspicion of danger and vagueness in his mind. I am sorry that my hon. Friend, Mr. Saldanha, should have been labouring under suspicions still. He has lived so long, he has served so long in the various legislatures and elsewhere also, that he should still have been labouring under suspicions like this seems extraordinary. Sir, my hon. Friend may rest assured that so far as this Government of which I am a Member, and of which the Hon. Premier, Mr. Rajagopalachari, is the Chief, is concerned they will not allow any lurking suspicions to be hanging heavily in the minds of any Member of this House. Our methods would be as clean as ever.

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"Sir, I am so glad I have come to sit in this House where my old friend, Sir K. V. Reddi Nayudu, is opposing me. He made a speech. I have not much to quarrel with him because his whole speech was in favour of the resolution that I have placed before the House, although he would not admit it in so many words. I was aware of the endeavours made by my hon. Friend when he was in office before the charge was handed over to the Premier of this Government and I am also aware of the attempts made by him with regard to some of these matters. It is true, as he said, that if the objections were not raised as to the necessity of resorting to legislation, he would perhaps have passed these things also while in office. From the admissions made by Sir K. V. Reddi, it is clear that he is convinced about the necessity of a committee to enquire into all these matters. He referred seriatim to three items which he attempted to do but it was not possible for him to accomplish because he was not backed up by the legislature. It was an uncomfortable period during which they were serving as Interim Ministers.

"Then, Sir, about a High Court Judge being the president of the committee, I may tell my hon. Friend that it is not always necessary to have a High Court Judge in matters like this. High Court Judges will certainly serve under certain circumstances, but we cannot run about for High Court Judges when there are competent men in these legislatures to deal with law and fact and who have devoted all their lifetime to law and have very much more experience in matters relating to zamindars and ryots and other connected matters. When there are such men there is absolutely no necessity to go out of these legislatures and form a committee consisting of men who do not represent anybody."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Just one word by way of personal explanation, Sir. I may make only two observations. In the first place, I was not actuated by any concern for the representation of minorities. In the second place, the appointment of a committee such as I had the temerity to suggest, would not have disturbed in the least the plenary powers and the jurisdiction of this legislature. The report of that committee would finally be laid on the table of this House by the Government and the legislatures here would be competent to deal with that matter just as they please."

The motion was put and carried.

\* MR. PRESIDENT:—"It now remains for me to lay down the method by which the election of three members of the committee referred to in the resolution, is to be held. I would suggest that hon. Members hand in nominations to the Secretary before 4-30 p.m. to-day. If the number of candidates nominated exceeds three, an election will be held between 5 and 6 p.m. to-day. The election will be by the ordinary method and not according to the method of single transferable vote."



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IV.—THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF  
DISQUALIFICATIONS BILL, 1937, AS PASSED BY THE  
LEGISLATIVE ASSEMBLY.

THE HON. DR. T. S. S. RAJAN:—“ Mr. President, Sir, I beg leave of the House to move—

*‘ that the Madras Payment of Salaries and Removal of Disqualifications “ Bill, 1937, as passed by the Legislative Assembly, be taken into consideration.’ ”*

The RT. HON. V. S. SRINIVASA SASTRI:—“ Mr. President, Sir, I am very thankful to you for giving me this early opportunity to greet this Bill into this House with every consideration of welcome. A measure of this kind by which for the first time the representatives of the people sitting in the seats of the Treasury will consent to take moderate salaries, marks the advent of a time for which we have been looking for a long long time. The state of our salaries in this country has long been the concern of all political parties. The desire to bring them down to a standard that would correspond in some little measure at least with the poverty-stricken condition of the people, is now to be fulfilled; and may I take leave of this House to congratulate the Present Ministry upon it being given to them to inaugurate this benevolent step.

4-15 p.m. “ It may be open, Sir, to doubt whether the particular figures mentioned in the Bill are exactly those which would appeal as the most appropriate to all shades of opinion. It depends so much upon the individual who judges the question. Very many factors have to be appraised and it is no wonder at all that each man has mentioned his own figure and that no two agree. It is, therefore, an idle question to raise whether the Ministry have fixed the salaries to themselves at a proper figure, there being no proper figure in this matter. Well, Sir, I am but a timid and humble freshman from the University of self-denial where all our friends in the Ministry have taken the Doctorate. (Voices: ‘ Not at all.’) It is not for me to give them advice. On the one hand there are weighty voices asking them to take low salaries, lower than what has been proposed now. One of these is that of the Mahatma himself. Who would say a word in derogation of his authority on such a question, a man who has plumbed the lowest depth of self-denial and self-effacement, a man who commands the astonished admiration of the world for the way in which he has completely effaced himself. His is not the word that one would dare to question. But I think the Ministry have been wise here and elsewhere to take his word as the counsel of perfection and ventured to depart to a slight degree from it. For my own part I do not know how my words will be received. I am an old man and if I may cite the Ramayana for a purpose not less cogent than that for which my friend Sir K. V. Reddi quoted yesterday (laughter), if I may quote the Ramayana, an old man is generally believed to be getting soft in the brain. The old adage has it. Valmiki himself quotes the very old proverb which has been long established

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in history. ‘ Old beings generally get weak in the brain.’ It may be I am in that condition. But I venture to offer one word, not of criticism. My friend, Mr. Prakasam is too quick to take words, meant innocently, as offensive. I want just to say one word because it oppresses me greatly. In these matters, Mr. President, it is not enough that the first exemplars of self-sacrifice should consider themselves for themselves. Their position is secure in the affections of the people. Nobody would deny them the gratitude and honour of introducing this great measure of exemplary self-sacrifice. But they must, I think, in arriving at that figure consider whether it has any chance of being established on a stable basis. For it appears to me that if I had been asked to name the figure I would have to put it at least at one thousand rupees. That is purely my own idea. Nevertheless it occurs to me that if it had been established at that figure it would have been possible to fight for it as a figure not arrived at by considerations of self-sacrifice or self-effacement but as a figure arrived at out of a desire to make the occupants of the Treasury Bench independent and at the same time able to maintain their position on the level of dignity to which we are accustomed. Well, it is well known, Sir, and every page of history will sustain this position, that the first man who inaugurates an institution of self-sacrifice has an influence which will not be approached by those who follow. These high altitudes of idealism are not attained by the common run of mankind. I think it is a general law that the great founders and initiators of a movement of the sort reach a higher level or altitude than those who follow. It may not be possible for the successors of this Ministry to deny themselves to the same extent as they have done, and I should have thought that the figure of one thousand had every chance of reaching the necessary stability. Mr. President, it is difficult to be precise or definite or confident upon a subject of this kind. But I would like to cite an example of the British Cabinet which has had recently opportunity to place before the Legislature a measure for the enhancement of the salaries of the Prime Minister and certain other persons. That matter attracted the attention of all people in Great Britain many many years ago. Fifteen or twenty years ago the matter was first talked of. But unfortunately any proposal had to emanate from the Prime Minister himself and his colleagues. For people who are sitting in those places themselves to bring forward a measure asking for an enhancement of emoluments is an exceedingly delicate situation. It has taken a long time. It has gone before many committees. It has taken many tentative proposals before quite recently the step in the nature of an enhancement of salaries found inadequate was passed. Supposing five or ten years later the successors of our friends now find it necessary that they should take a little more by way of sustenance from the general revenues, how difficult it would be for them to bring forward a measure for the enhancement of their salaries? In Great Britain, Sir, the original salaries were not fixed on a self-sacrificing scale. But in India they have been fixed with that consideration in view. For any body of future

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Ministers to come and ask that they should receive more substantial salaries would be tantamount to saying, 'We are no longer going to sacrifice our interests to the same extent as our predecessors.' We should be making their position one of extraordinary difficulty in fixing the salary so low. My deliberate opinion is that these figures are much too low and will be found soon inadequate for people in whom the ideal of self-sacrifice does not burn with the same warmth as in the present holders of office. That is a fear with which I have been oppressed for many days and as this is the only chance that I have of clearing my mind and my heart, I have ventured to make this expression of opinion. But, Sir, I would assure the Chief Minister and his colleagues, especially Mr. Prakasam, that in making these remarks I am not actuated by the slightest feeling of opposition or hostility. I give them my homage of admiration, unstinted and unreserved. I have nothing, Sir, to say about the salaries of the members of either Houses of Legislature. Personally I should have preferred no salaries at all. But once it was thought necessary to give them also a remuneration for their services, I think Rs. 75 a month bears a just proportion to the five hundred rupees that the Ministers have decided for themselves. I do not ask for any enhancement of those salaries. If they should have them cut out from the legislation altogether I am not going to shed a tear."

\* MR. J. A. SALDANHA:—"Mr. President, Sir, if ten years ago a private Bill or proposition on the basis of this Bill was brought by any member before the Legislative Council he would have been charged with midsummer madness. (Laughter.) About seven years ago, I think in 1930, I myself moved one cut motion during the budget debates for a 25 per cent reduction in the salaries all round of the Ministers and of all officials connected with the Legislative Council and in all allowances to the members of the Council. That motion was thrown out. I do not think I got support from any of the members of the House. (Laughter.) On the other hand, Mr. F. E. James representing the European group, suggested that what was required was 25 per cent reduction in the speeches of the hon. Members (Renewed laughter), especially myself. All the leaders of the different parties protested against this insult. But all the same my motion was thrown out."

4-30  
p.m.

"Now let us see what the view of this House is likely to be ten years hence. We are all agreed that this Bill is based on a spirit of self-denial and self-sacrifice. But, as human nature varies, you cannot expect all people to agree with our view for all time. Different persons in different generations might not take the same view that we now hold in the matter of dress, sustenance and maintenance of dignity and so on. I am afraid that, ten years hence, this measure will not be considered as really consistent with sound finance or economy."

"We have to look at this question from another point of view also. What about raising the standard of living? Now all of us, I mean our Ministers, are content to live in a primitive style as in the

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days of the Ramayana some, with headdress, some without it, and so on. I wonder where we are drifting. Instead of raising the standard of living, can we go back, like Mahatma Gandhi, to the old times? Where will it all lead to? Should not the standard of living be raised and not lowered? Now look at the Japanese whose achievements are so much before us. What did they do? Did they revert to the old times? No, they adopted the European fashions. They have adopted from the West, their machines and their progress in every direction is remarkable. Their nation has, therefore, achieved greatness and is one of the most powerful nations of the world, respected by all. I ask whether this Bill will not lower the standard of living of our Ministers and it would be in keeping with the dignity of Cabinet Ministers. Should they not be provided with the ordinary comforts of life, though they are prepared to deny everything for themselves and go back to primitive conditions of life? On these grounds I protest against the Bill. In ten years' time, our successors in this House—I will not be here (Laughter)—will charge us with a sort of madness, if we agree to this Bill in a spirit of self-denial. The Right Hon'ble Srinivasa Sastri remarked that a thousand rupees would have been quite right and consistent with the dignity of the Members. Travelling allowances, I am told, have been fixed at two third-class fares. A sort of return-ticket is offered. It is not in the Bill under consideration. But that is what is coming. (Laughter.)"

\*MR. PRESIDENT:—"The hon. Member cannot say anything about travelling allowances. The Bill does not mention travelling allowances."

MR. J. A. SALDANHA:—"I do not know whether it is open to us to refer to it."

\*MR. PRESIDENT:—"As long as it is not in the Bill, the hon. Member is not entitled to speak on it."

MR. J. A. SALDANHA:—"I do not know why it is not included in this Bill at all. (Laughter.) If we are to travel third-class on our journeys, why should we not have third-class seats in this Chamber as well? Let us have seats here similar to the third-class seats. Why should we have these upholstered seats and punkahs over our heads here when we would not have these things during our 24 hours' journey to Madras? If we go on at this rate in a spirit of self-sacrifice, we will be converting ourselves into monks. We cannot all become monks. We are just human beings fond of some creature comforts. Already we are going to be deprived of so many things. We cannot have our liquor (Loud and prolonged laughter.) When some years hence our successors look into these proceedings, let them know what . . ."

\*MR. PRESIDENT:—"The hon. Member is not quite in order in saying what the members to come hereafter will think of our proceedings."



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MR. J. A. SALDANHA :—“ I am speaking of those who are watching us outside. (Laughter.) Let them know that there are certain persons who at least are not imbued with these high considerations. Let them know that human and humane considerations born of worldly wisdom were also placed before the House.

“ Sir, I had to protest a number of times in this House against the Ministers going round on tour not only very frequently, but at an extravagant expenditure. It may be that in future they will travel in third class. In this connexion I want to mention that provision should be made in the Bill to the effect that when Ministers go on tour they should halt only at the travellers' bungalow of the place and not go and stay at other Members' houses. That, I am sure, the present Ministers will not do because they are imbued with a spirit of self-denial and self-sacrifice. They should not, as I once said in this House—I was then ruled out as using an unparliamentary expression—sponge upon the people and also not allow other people to sponge upon them. I hope these words of caution will be borne in mind in passing this Bill.”

\* THE HON. MR. C. RAJAGOPALACHARIAR :—“ Sir, I rise only to make a few explanations in regard to this matter which, though it is not the subject of severe debate in this House, has attracted considerable public attention and does demand explanations in the light of what the Rt. Hon. Sastri said. His words carry very far in this world and, therefore, I think it is well that on behalf of the Government a few explanations should be offered apart from merely carrying the Bill through.

“ Sir, my Rt. Hon. Friend has carried consideration for others, if I may be permitted to say so, almost to a fine art. If even in regard to good qualities, what he calls sacrifice, he says, ‘ Don't sacrifice too much, lest others who may not be able to sacrifice so much may be embarrassed,’ I have the right to say that it is consideration carried to a fine art. In this world of ours, virtue is difficult, and if we find anybody, even under stress of circumstances, compelled to make sacrifices, I think it is frugality and moral economy to allow him to make such sacrifices, rather than caution him against too much sacrifice, lest others might be embarrassed in practising similar virtues. I say this, the more boldly because I see no sacrifice in what we have done. None of us drew a higher salary. Let me say at once publicly, here and now. So far as we are concerned, there is no sacrifice; we claim to have made no sacrifice. (A voice: ‘ Dr. Subbarayan.’) Dr. Subbarayan, at any rate for a considerable length of time, was without this salary and so, even in his case, there is not much of a sacrifice. I think I am voicing his feelings when I say that he too does not consider this as a sacrifice.

“ As regards the estimate, or the near approach to an estimate, which the Rt. Hon. Sastri made, I have to remind the House that we are not very far even from that estimate. He said that a thousand rupees

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a month for Ministers would be just and proper and wise. Well, I do not think our proposal to allow Rs. 500 for salary and Rs. 250 for allowances for house and conveyance, Rs. 750 in all, is not, after all, very far from the limit which my Rt. Hon. Friend Mr. Sastri has placed. So, even there, I claim there is no sacrifice but a near approach to the wisdom which was offered by my Rt. Hon. Friend.

“ Then, Sir, regarding the standard of life, we were told that we should spend much or, at any rate, spend more than we propose now by this Salary Bill to do and live in what was called proper style. As regards that, I have only to say this: that so far as we know in our country and among our people, if we judge the standard of life that we should live, by the standard of life which the members of our class, our community, our position in life, our tradition, our culture, our status and all that, are known to live, if we take that to be the standard of life—I say that the salary that we propose is much higher than the standard of life that the class from which the Ministers come now or may come hereafter live.

“ I am here, Mr. Prakasam is here and Dr. Rajan is here. Take our 4-45  
brothers-in-law, our cousins, sisters-in-law or our uncles. Do not all p.m.  
of them come and live with us? Do they not eat with us and sleep in our houses? How do they live? Do they spend more than what we usually propose to spend? Do they want to maintain any high status or standard? So I submit that we are not lowering our standard of life by this proposal. It is said that we have to live in a particular way if we have to assume the office of Ministership. Well, we have yielded to that principle by making provision for house allowance and also for purchasing motor cars. But I do not think that we should put very costly furniture into our houses or begin to spend in new ways simply because we have assumed responsibility for Government. I submit therefore that the salary that we have fixed is scientifically consistent with the very principles laid down by those who think that the salary of Minister should be fixed at a higher figure. I do not think it is wise, from another point of view also, for the present Ministers or for that matter for future Ministers, to suddenly raise their standard of life, when they are called to take up a temporary office which they may hold for a little time. Another reason as to why we have provided for a salary of Rs. 500 is that non-official gentlemen living in out of the way villages, not necessarily getting high professional income, but commanding the confidence among people might be called to take up this office. In that case they should not be suddenly induced to spend Rs. 2,000 or so, because they are going to hold that office for a period. When they are turned out they will find themselves very miserable and disgruntled. But the statute provides perfect freedom. If at any period the successful party thinks that the circumstances have changed and therefore they should fix a higher salary for the Ministers, they are

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at perfect liberty to do so. It is on that same ground that I explained in the other House that we have made provision for incurring a new item of expenditure for purchasing cars for the Ministers, although it may seem that, in the first year of accepting office, the party in power was very extravagant and bought cars for themselves at Government expense. A conveyance is necessary and it will be used by future Ministers also. It is good in principle that the Government should bear the capital expenditure for purchasing motor cars. A man who is called to accept the post of Ministership temporarily cannot borrow and purchase a motor car.

"Reference was made to Japanese civilization by the witty hon. Friend, Mr. Saldanha. I have no information about it but it is fairly certain that they do not draw anything like the salaries which Ministers or Members of Government had been drawing in this country.

"Sir, we are doing nothing extraordinary, either according to the practice prevailing in the world with respect to this or even relative to ordinary standards of self-sacrifice or even with reference to the advantages and wisdom of a political policy. We claim no particular merit, we claim no particular credit. We claim just this: that it is good for the country that we should pass this Bill."

\* MR. PRESIDENT:—'The question is—

*'that the Madras Payment of Salaries and Removal of Disqualifications Bill, 1937, as passed by the Legislative Assembly be taken into consideration'.*"

The motion was put and carried.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 were put and carried.

Clause 1 was then put and carried.

The preamble was put and carried.

THE HON. DR. T. S. S. RAJAN:—"Sir, I now move that this Bill be passed into law."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Sir, I hope I shall be in order in saying a few words at this stage of the Bill. I may say at once that I am whole-heartedly in favour of the Bill and shall vote without any mental reservation for the motion moved by the Hon. the Leader of the House. Sir, the Hon. the Prime Minister has disowned the idea of making sacrifice, either for himself or for his colleagues. That disclaimer, if I may venture to say so, enhances the value of the sacrifice to which you, Sir, and others are subjecting themselves. It is very good of them to say that they are not making a sacrifice. May I say to them in the name of the public and in the name of at least the Members on this side of the House that they are performing a great

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act of self-sacrifice. The passing of this Bill is a great event in the history of our country. My friend Mr. Rajagopalachariar may not think so. But I shall tell him with the weight of greater experience and knowledge of the world that the passing of this Bill will be marked with approbation in many parts of this country, perhaps mingled in certain timid quarters with misgivings that the figure arrived at might have been a little high. I repeat that remark, if it has perhaps been lost sight of, that in fixing salaries for Ministers, it is not, Sir, right to be guided by notions of self-sacrifice. These notions do not last for ever. They seize an enthusiastic generation under the influence of a mighty personage actuated by a desire to conform to a resolution moved at any public meeting in solemn tones. I venture to tell them I was born a day earlier and that very soon this enthusiasm is bound to wear out and therefore the successors will begin to wonder whether their fates had not been sealed by an inconsiderate authority. I will only add one other word to correct what seems to be a slight inaccuracy in the statement of the Prime Minister. He said for the consolation of coming people that the future legislature will have the power to alter if necessary these scales and to fix the figures somewhat higher. But I will remind him that the legislature cannot alter those salaries unless his successors themselves by their initiative bring forward a revised measure. I much doubt whether a body of Ministers sitting in those places hereafter will find it easy to come forward with such a measure, although they might be feeling in their heart of hearts a fear. That fear is in my heart, and I have no doubt that fear is in the minds of others as well. They might have given expression to this at this solemn moment. It does not take away from the authority of the Prime Minister and his colleagues merely to tell us that for a brief day they are to be occupants of that bench and that their places may soon have to be occupied by others who are a little more in conformity with surrounding standards than they themselves are and on whom the influence of the Mahatma and other great exponents of self-effacement may not press with the same authority as fell on them." 5 p.m.

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Sir, I do not agree with my Hon. Friend the Prime Minister when he protested that he and his colleagues have not made any sacrifice when they accepted the low scales of salary. On the other hand, I entirely agree with what the Rt. Hon. Sastri has said that they have made a sacrifice, and I congratulate the Ministers as well as you, Sir, Mr. President, on the self-sacrifice you have made."

\* THE HON. DR. T. S. S. RAJAN:—"Sir, I have nothing more to add to the discussion that has taken place over this motion. I thank the Opposition for the very kind sentiments which they have expressed through their Leader, and I am also grateful to the Rt. Hon. Srinivasa Sastri for whom I have got very very great regard. Only on occasions

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like this, there must be a certain amount of fear, a fear of future consequences that may arise through our action, which, though it may look as a sacrifice just now, would entail a certain amount of pain on those that might succeed us. But, Sir, the Rt. Hon. Sastri today represents a line of great men to whom the ideal of poverty, the ideal of self-sacrifice, has perhaps been a great motto, and that such men with a leader like the late Mr. Gokhale and with the example of the Servants of India Society should apprehend dangers is a thing perhaps which it is not possible for me to explain. Curiously enough, the Rt. Hon. Sastri today occupies the position he does in the great Annamalai University for which I do not know how much remuneration he takes. But he has in a way set up an example to follow and emulate. I do not know whether the same argument that he has addressed to us may not apply to similar situations in his own case. But, I am simply telling that we are here bound by the pledges to which we have committed ourselves during the elections. We have accepted office. The Congress decision has been undoubtedly clear that we shall not accept anything more than the maximum salary of Rs. 500, and today if we have placed that ideal before the country, certainly we are conscious of the fact that we are setting up a new standard. We always feel that this thing should be done, for we are out for a drastic cut in the salaries of officers and establishment and in the expenditure on administrative machinery. I ask, Sir, with what face shall we approach all those people to whom we are making an appeal to come to our help and give us the benefit of their sacrifice as well? Therefore, it stands to logic it stands to reason. (Interruption). We do feel we cannot escape the obligation that we are now under, when we have deliberately given rise to hopes in the country, that in accepting the salary that we have done, we have today set up a new standard of salaries. Therefore, while appreciating the advice and sincere sympathy as coming from a man of his position, I do feel that we have not placed any difficulty in the path of those that might follow us. The fact that posterity will feel grateful for the service we have rendered, that posterity will feel that the standard we have set up in this country will bring an era of plain living and establish a right proportion between the life of our people and that of the administrators, that fact encourages us. There will then be that sympathy and that understanding with the element of poverty which is perhaps the keynote of all Indian life. Therefore, Sir, I do feel and trust that the action the Ministry has taken will not only be approved, but will be accepted by posterity, though the Rt. Hon. Srinivasa Sastri was apprehensive about it."

\* MR. PRESIDENT:—"The question is:

*'that the Madras Payment of Salaries and Removal of Disqualifications Bill, 1937, as passed by the Legislative Assembly, be passed into law.'*"

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

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V.—ELECTION TO THE COMMITTEE OF ENQUIRY INTO CONDITIONS IN  
ZAMINDARI AREAS.

\* MR. PRESIDENT:—"I have to inform the House that the following three candidates were duly nominated for election to the Committee to be constituted for enquiring into the conditions in zamindari and other proprietary areas:—

1. Mr. B. Narayanaswami Nayudu.

2. „ V. V. Jogiah Pantulu.

3. „ A. Rangaswami Ayyangar.

As the number of candidates nominated for election is equal to the number of vacancies to be filled, namely, three, I hereby declare them to have been duly elected.

"I may inform the House that there will be no sitting of the Council to-morrow. The Council will now adjourn and meet again on the 30th September 1937 at 3 p.m."

The House accordingly adjourned.

VI.—PAPER LAID ON THE TABLE OF THE HOUSE

\* Answer to clause (a) of Starred Question No. 13 answered on 31st August 1937..

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## APPENDIX.

[Vide item IV at page 254 supra.]

L.A. BILL No. 1 OF 1937.

(As passed by the Assembly.)

*A Bill to provide for the salaries and allowances of Ministers, the Speaker and Deputy Speaker, the President and Deputy President, Parliamentary Secretaries, and members of the Madras Legislature and for the removal of certain disqualifications.*

WHEREAS it is expedient to provide by an Act of the Legislature for the salaries and allowances of Ministers, of the Speaker and the Deputy Speaker of the Legislative Assembly, of the President and the Deputy President of the Legislative Council, of Parliamentary Secretaries, and of members of the Legislative Assembly and of the Legislative Council :

Short title  
and com-  
mencement.

AND WHEREAS it is necessary to remove the disqualification imposed on Parliamentary Secretaries for being chosen as, and for being, members of the Legislative Assembly or Legislative Council :

It is hereby enacted as follows :—

Salaries of  
Ministers.

1. (1) This Act may be called the Madras Payment of Salaries and Removal of Disqualifications Act, 1937.

(2) This section and sections 5, 6, 8 and 9 and the provisions of sections 7, 10 and 11 in so far as they relate to sections 5, 6, 8 and 9 shall be deemed to have come into force on the 1st day of August 1937.

Salaries of  
the Speaker  
and Deputy  
Speaker  
of the  
Legislative  
Assembly.

2. There shall be paid to the Prime Minister and to each of the other Ministers who are members of the Governor's Council of Ministers, a salary of rupees five hundred per mensem, a house-rent allowance of rupees one hundred per mensem and a conveyance allowance of rupees one hundred and fifty per mensem.

3. (1) There shall be paid to the Speaker of the Legislative Assembly a salary of rupees five hundred per mensem, a house-rent allowance of rupees one hundred per mensem and a conveyance allowance of rupees one hundred and fifty per mensem.

(2) There shall be paid to the Deputy Speaker of the Legislative Assembly a salary of rupees one hundred and fifty per mensem.

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4. (1) There shall be paid to the President of the Legislative Council a salary of rupees two hundred and fifty per mensem, a house-rent allowance of rupees one hundred per mensem and a conveyance allowance of rupees one hundred and fifty per mensem. Salaries of the President and Deputy President of the Legislative Council.

(2) There shall be paid to the Deputy President of the Legislative Council a salary of rupees one hundred and fifty per mensem.

5. There shall be paid to every Parliamentary Secretary a salary of rupees two hundred and fifty per mensem and a consolidated house-rent and conveyance allowance of rupees one hundred and fifty per mensem. Salaries of Parliamentary Secretaries.

6. The Provincial Government may from time to time purchase and provide suitable conveyances for the use of the Ministers and the Speaker, subject to such rules as regards their maintenance and repair as may be made by the Provincial Government. Conveyances for the Ministers and the Speaker.

7. The holders of the offices referred to in sections 2 to 5 shall be entitled, while touring on public business, to travelling and daily allowances at such rates and upon such conditions as may be determined by the Provincial Government. Travelling allowances of Ministers, etc.

8. No person shall be disqualified for being chosen as, or for being a member of the Legislative Assembly or the Legislative Council, by reason only of the fact that he holds the office of Parliamentary Secretary and receives the emoluments in respect thereof. Removal of disqualification of Parliamentary Secretaries.

9. Every member of the Legislative Assembly or of the Legislative Council who does not hold any of the offices referred to in sections 2 to 5 shall be entitled to receive— Salaries and allowances of members of the Legislative Assembly and Legislative Council.

(a) a salary of rupees seventy-five per mensem, and  
(b) travelling and daily allowances in accordance with such rules as may be made by the Provincial Government and until such rules are made, in accordance with the provisions which were applicable on the 31st March 1937 to members of the Legislative Council of the Governor of Madras.

10. The whole or any portion of the salary or allowances to which any person is entitled under this Act may be relinquished by him in writing. Relinquishment of salaries and allowances.

11. Nothing in this Act shall prevent a retired Government servant from drawing his pension in addition to any salary or allowances to which he may be entitled under this Act. Saving.

# THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 27th September 1937.

The House met in the Council Chamber, Fort St. George, at 3 p.m.  
Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

## I.—QUESTIONS AND ANSWERS.

### STARRED QUESTIONS.

*Production of power alcohol from cashew fruits, toddy and wood.*

\* 64 Q.—MR. J. A. SALDANHIA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the Government have had in view the encouragement of the production of power alcohol from various materials available in this Presidency—such as juice of cashew fruits and toddy and wood; and

(b) if so, what steps are being taken or are proposed to be taken for this purpose?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) & (b) The possibility of producing power alcohol was investigated by the Industries department in the year 1920, but as it was considered doubtful whether it would pay to establish a factory for the purpose, the matter was not pursued. The Government will once again consider the possibilities of producing power alcohol.”

MR. J. A. SALDANHIA:—“May I enquire, Sir, what steps are being taken to investigate the possibilities of producing power alcohol?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“Representations have been received from two districts for advice on this matter and the Government is considering that.”

MR. B. NARAYANASWAMI NAYUDU:—“May I know, Sir, whether power alcohol has been prohibited under the prohibition Act?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“No.”

*Canning industry and the scope for its improvement.*

\* 65 Q.—MR. J. A. SALDANHIA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government have ascertained if there is a large scope for the canning industry in respect of the preservation of fish and fruit in this Presidency;

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(b) whether canning is used for such preservation in any Government or private industry within their knowledge; and

(c) whether technical education in canning is given or is going to be given in any of the Government Industrial schools or trade schools or technological institutions?

THE HON. MR. V. V. GIRI:—“(a) There is scope for the canning of fish but not much for canning of fruits.

“(b) The private cannery at Chaliyam is the only concern in which fish canning industry is carried on at present.

“(c) No such training is at present being given; nor has Government any idea of giving such training in the near future as there does not seem to be much prospect of finding employment for trained hands.”

MR. J. A. SALDANHA:—“May I enquire, Sir, why there is no scope for fruit preservation or other things than fish?”

THE HON. MR. V. V. GIRI:—“At present that is the information of the Government. If the hon. Member can give his suggestions I shall certainly consider them.”

MR. T. A. RAMALINGAM CHETTIYAR:—“Is there not an expert in Anantarajupet and is he not training some apprentices?”

THE HON. MR. V. V. GIRI:—“I should be obliged to have notice of the question.”

MR. J. A. SALDANHA:—“May I know whether there is not a large number of cottage industries, especially making of preserves and the only hindrance to making it marketable is ignorance of canning?”

THE HON. MR. V. V. GIRI:—“The suggestion will be considered.”

MR. B. NARAYANASWAMI NAYUDU:—“May I know if fish manure for purposes of agriculture is receiving the attention of Government?”

THE HON. MR. V. V. GIRI:—“Yes.”

MR. S. J. GONSALVES:—“May I know, Sir, from the Hon. the Minister whether the Government have considered the question of canning of fruits?”

THE HON. MR. V. V. GIRI:—“I shall investigate the matter.”

MR. S. J. GONSALVES:—“Is it not a fact, Sir, that Government had a factory at Coonoor?”

THE HON. MR. V. V. GIRI:—“Yes, I shall investigate the whole matter.”

MR. T. A. RAMALINGAM CHETTIYAR:—“Will the Government consider the question of taking over and continuing the work of Sir Frederick Nicholson in this field?”

THE HON. MR. V. V. GIRI:—“I assure the House that the matter will be considered.”

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RAO BAHADUR M. RAMAKRISHNA REDDI:—“Is the Government aware that the canning of mango is going on in Bombay and will the Government consider the question of starting it at Chittoor, where mangoes are available in large quantities?”

THE HON. MR. V. V. GIRI:—“I take the information from the hon. Member and the question will be considered.”

MR. J. A. SALDANHA:—“Is the Government aware that there is more than one expert trained in America who will take up canning if Government gives encouragement?”

MR. PRESIDENT:—“That is no supplementary question.”

*Report of the Marjoribanks Committee on land revenue remission.*

\* 66 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Revenue be pleased to place before the House the Report of the Land Revenue Revision Enquiry Committee presided over by Sir Norman Marjoribanks, K.C.I.E., and the orders passed thereon by the Government (the Interim Ministry) and the action (if any) taken by the present Ministry?

THE HON. MR. T. PRAKASAM:—“The Government will lay the report on the table of the House after they arrive at some decision on the recommendations contained in it. The recommendations are under the consideration of the Government.”

MR. J. A. SALDANHA:—“Have not Government already expressed, Sir, some opinion in public on this question of the main suggestion made by the committee?”

THE HON. MR. T. PRAKASAM:—“No opinion has been expressed, except with regard to the simple fact that 75 lakhs of rupees have been set apart for remission.”

*Report on irrigation projects in Madras Presidency.*

\* 67 Q.—MR. L. SUBBA RAO: Will the Hon. the Minister for Public Works be pleased to state whether the Government issued any publication on the irrigation projects in the Madras Presidency between 1925 and 1927 and if so, whether the Government will place a copy of the report on the table?

THE HON. DR. T. S. S. RAJAN for THE HON. MR. YAKUB HASAN:—“The answer to the first part of the question is in the negative and consequently the second part does not arise.”

MR. P. PEDDI RAJU:—“May I know, Sir, whether Mr. Morgan has not made a report on the schemes for the several parts of the presidency and the same was published as far as I remember in 1925?”

THE HON. DR. T. S. S. RAJAN:—“The question relates to things between 1925 to 1927. The answer to that question is that there is no such thing.”

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MR. P. PEDDI RAJU :—“ Mr. Morgan's report on irrigation project was published in 1925. That is why I am inviting the attention of the Government to that fact.”

THE HON. DR. T. S. S. RAJAN :—“ The answer to that question is that there is no such report before the Government published between the years mentioned.”

*Graduates of Vizagapatam and Madras Medical Colleges and their employment in Government service.*

\* 68 Q.—MR. L. SUBBA RAO: Will the Hon. the Minister for Public Health be pleased to state—

(a) how many students were graduated from the Medical College, Vizagapatam, since its foundation in 1923 to date;

(b) how many medical graduates from the Vizagapatam Medical College have applied for employment in Government service and how many have secured Government appointments till now;

(c) how many were graduated from the Medical College, Madras, from 1926;

(d) how many of them have applied for employment in Government service; and

(e) how many have secured Government appointments?

THE HON. DR. T. S. S. RAJAN :—“ (a) The first batch of students graduated from the Medical College, Vizagapatam, only in 1928. The total number who have graduated from that college since that year is 187.

“ (b) The Government have no information as to the number of graduates who applied for employment in Government service. None of the graduates from the Medical College, Vizagapatam, has yet been entertained as an Assistant Surgeon. The Government have no information whether any of them have been entertained in Government service otherwise than as Assistant Surgeons.

“ (c) 801.

“ (d) The Government have no information.

“ (e) Since 1926, sixty-six appointments have been made to the cadre of Civil Assistant Surgeons (Men's Branch) by direct recruitment.”

MR. L. SUBBA RAO :—“ Will the Government be pleased to state, after obtaining information, the number of graduates who applied for Government service? ”

THE HON. DR. T. S. S. RAJAN :—“ That information is not available. If the Member is very particular I shall certainly call for the information.”

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MR. L. SUBBA RAO :—“ Will the Hon. Minister be pleased to call for information with reference to the number of graduates from the Vizagapatam College that have secured appointment, approximately? ”

THE HON. DR. T. S. S. RAJAN :—“ Yes, as regards the 187 the answer is that not one of them has been appointed as Civil Assistant Surgeon.”

MR. L. SUBBA RAO :—“ Have they been appointed in Government service at all in any cadre? ”

THE HON. DR. T. S. S. RAJAN :—“ I shall enquire.”

MR. P. PEDDI RAJU :—“ May I know if the Public Services Commission have selected two people but neither of them was taken? ”

THE HON. DR. T. S. S. RAJAN :—“ I do not know of the Public Services Commission Report. But I know no one has been entertained.”

MR. L. SUBBA RAO :—“ Will the Hon. the Minister be pleased to ascertain why they have not been getting the jobs? ”

THE HON. DR. T. S. S. RAJAN :—“ Government have not been recruiting candidates for the past six years. So there is sufficient reason for not appointing any because no recruitment was made.”

MR. L. SUBBA RAO :—“ Were there not some Government appointments made in the Medical College? So there should have been some recruitment.”

THE HON. DR. T. S. S. RAJAN :—“ Recruitment was mostly by promotion from junior ranks.”

*Exemption of certain clubs and Catholic priests from the total prohibition scheme.*

\* 69 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether in the scheme for total prohibition in regard to the production, importation and sale of liquor in any district, provision is made or will be made, as an exception—

(i) for the supply of liquor by clubs (European, Indian or Anglo-Indian) to their members on payment or for any fee or subscription;

(ii) for the supply of wines to Catholic priests for sacrificial purposes at Mass (the Eucharistic); and

(b) if so, subject to what conditions is the exception made or will be made?

THE HON. MR. V. I. MUNISWAMI PILLAI :—“ In the scheme for the introduction of prohibition in the Salem district provision has been made for the grant of permits in special cases to any clubs in existence at present. Provision has also been made for

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a system of special personal permits for those who apply for domestic consumption of bottled foreign liquor only, and liquor may be issued in the clubs referred to above to members who are permit-holders but not to anyone else.

“Provision will be made for exempting wine possessed for religious purposes according to ancient usage prescribing suitable conditions.”

MR. J. A. SALDANHA:—“It being the fundamental right of every citizen to practice one's religion, may I know whether the Government are going to provide this right to get wine for sacrificial purposes by an entire exemption from the operation of the Act without depending upon the individual discretion of the officer or the Local Government?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“I do not understand the question, Sir.”

MR. J. A. SALDANHA:—“May I know what provision will be made by the Government, whether in the form of exemption or in the form of licence?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“It has already been answered. For religious purposes according to ancient usage prescribing suitable conditions permits will be granted.”

MR. S. J. GONSALVES:—“May I know what provision will be made, whether it will be in the form of licence or in the form of exemption?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“It will be in the form of a permit.”

MR. S. J. GONSALVES:—“Is that not, Sir, a removal of an existing fundamental right?”

MR. PRESIDENT:—“That is not a supplementary question.”

MR. S. J. GONSALVES:—“In the form in which Government are allowing wine, is it not an infringement of a fundamental religious right?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Sir, the matter will come up for discussion when the Bill is introduced here to-morrow and I think the whole question may then be debated upon.”

*Silk industry and its progress in the Presidency.*

\* 70 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether there are areas in this Presidency where sericulture is carried on on a large scale;

(b) if so—

(i) what the extent of the cultivation is; and

(ii) with what support of the Government;

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(c) whether there are silk industry factories anywhere in this Presidency, and if so, what is their number, where they are situated and with what financial success are they carried on;

(d) whether there are any joint stock companies formed for carrying on silk industry, and if so, how many, and with what capital and prospects; and

(e) whether any of them have approached the Government for financial or other aid and what action the Government have taken or are going to take to encourage the silk industry?

THE HON. MR. V. V. GIRI:—“(a) The Kollegal taluk of the Coimbatore district is the only area where the rearing of silk worms and the reeling of cocoons are conducted on a large scale, but demonstrations of the cultivation of mulberry, the rearing of silk worms, and the reeling of silk, are carried out from time to time in other parts of the Presidency by the staff of five practical demonstrators maintained by the Department of Industries.

“(b) (i) There are 9,000 acres under mulberry in the Kollegal taluk.

(ii) A separate section of the Department of Industries is devoting its attention solely to the development of sericulture. A detailed account of the work carried on by it will be found in the annual administration report of the department which is placed at the disposal of the press. The staff maintained in Kollegal is engaged on the production, testing, and distribution of disease-free cellular seed and the conduct of research on silk-worm diseases. Four sericultural farms are maintained by the Department of Industries at Coonoor, Hosur, Palmaner and Thadaguni.

“(c) There are six silk factories in the Madras Presidency coming under the operation of the Indian Factories Act—

- (1) Subramania Silk Factory, Peddapuram, East Godavari district (silk weaving).
- (2) Sri Dhanalakshmi Silk Factory, Peddapuram, East Godavari district (silk weaving).
- (3) Sri Rama Silk Factory, Peddapuram, East Godavari district (silk weaving).
- (4) Sri Lakshmi Silk Manufacturing Works, Peddapuram (silk throwing and weaving).
- (5) Prasanna Nageswara Twisting Mills, Kollegal, Coimbatore district (silk throwing).
- (6) Sri Lakshmi Venkateswara Silk Weaving Factory, Rayadrug, Bellary district (silk weaving).

“Information in regard to the financial results of the working of these factories is not available. There is also a power-driven factory for reeling raw silk from cocoons at Mudigundam in the Kollegal taluk.



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“(d) So far as information is available, there are no joint stock companies at present engaged in the throwing, reeling or weaving of silk.

“(e) The proprietor of the silk filature at Mudigundam has applied for financial assistance under the provisions of the Madras State Aid to Industries Act and the application is at present under the consideration of Government. The Sri Lakshmi Silk Manufacturing Works, Peddapuram, was granted in 1924, a loan of Rs. 50,000 under the State Aid to Industries Act, and the loan has been repaid.”

3-15  
P.m.

*Inspector of Motor Vehicles for the City of Madras.*

\* 71 Q.—MR. L. SUBBA RAO: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether there is an Inspector of Motor Vehicles for the City of Madras; and

(b) if not, who does the inspection work?

THE HON. MR. K. RAMAN MENON:—“(a) An Inspector of Motor Vehicles has been sanctioned for the City of Madras, but has not yet been appointed.

“(b) The Deputy Commissioner of Police, Traffic and Licensing, does the inspection work at present.”

*Qualifications prescribed for appointment to posts of Assistant Lecturers.*

\* 72 Q.—MR. L. SUBBA RAO: Will the Hon. the Prime Minister be pleased to state—

(a) whether the attention of the Government has been drawn to the notification of the Public Service Commission published at page 285, Part I-B—Educational, dated 18th May 1937, of the *Fort St. George Gazette*, calling for applications for appointment of Assistant Lecturers in the Madras Educational Subordinate Service (Men's Branch) wherein certain degrees of the University of Madras are prescribed as qualifications;

(b) why were not similar degrees of Annamalai and Andhra Universities prescribed as qualifications for the said appointments; and

(c) what the other qualifications are which the Madras Public Service Commission consider as equivalent to the qualifications mentioned in the note in the aforesaid notification?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) The Government have perused the notification.

“(b) The Commission has not mentioned in its notification the degrees of the Annamalai and Andhra Universities because the statutory rules for the Madras Educational Subordinate Service issued by the Government do not specifically prescribe the degrees

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of these Universities as qualifications for the post of Assistant Lecturers. The principle hitherto adopted by the Government in the matter is that in the case of non-technical appointments only the qualifications obtainable at the University of Madras are specifically prescribed in the service rules as the basic qualifications and that in the case of technical appointments the above qualifications and also suitable alternative qualifications obtainable at other Universities are specifically prescribed. It is however open to the selecting authorities to accept qualifications other than those specifically prescribed in the rules as equivalent to those prescribed. The Public Service Commission has recognized qualifications of the Annamalai and Andhra Universities as equivalent to the corresponding qualifications of the Madras University. The Government are however considering the question as to which degrees of the Andhra and Annamalai Universities may be treated as equivalent to the degrees obtainable at the University of Madras with a view specifically to prescribe them in the Service Rules and to mention them in the Commission's notifications.

“(c) The Commission considers that a first or second class degree of B.A. Hons., B.Sc. Hons., or M.A. of the Andhra or Annamalai University in the subject concerned may be treated as equivalent to the corresponding degrees of the Madras University and that the B.Ed. degree of the Andhra University may be treated as equivalent to the L.T. degree of the Madras University.”

MR. L. SUBBA RAO:—“May I know, Sir, whether the Public Service Commission will be instructed to publish a notification regarding the equivalent degrees, instead of keeping it in a nebulous manner?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I said, Sir, that the Government are considering the question as to which degrees of the Universities may be treated as equivalent to the corresponding degrees of the Madras University. Surely, as soon as the consideration is over, the notification will appear.”

*Appointments to posts of upper and lower division clerks and the qualifications held to be equivalent to those prescribed in respect of the appointments.*

\* 73 Q.—MR. L. SUBBA RAO: Will the Hon. the Prime Minister be pleased to state—

(a) whether the attention of the Government has been drawn to the notification of the Public Service Commission at page 288 of Part I-B of the *Fort St. George Gazette*, dated 18th May 1937, calling for applications for appointment as upper division clerks, and for appointment as lower division clerks; and

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(b) whether the attention of the Government has been drawn to the advertisement in the 'Hindu', dated 20th May 1937, for the same and whether the said advertisement contained a note regarding equivalent qualifications similar to the one published in the *Fort St. George Gazette*; if not, what is the omission due to?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) & (b) The Government have perused the Commission's notification and its advertisement in the 'Hindu.' It appears that the newspaper advertisements are condensed by the Service Commission office for the sake of economy. But the advertisements draw the attention of those interested to the detailed notification in the *Fort St. George Gazette* or invite them to apply to the Commission's office for a copy of the detailed notification.”

DR. C. RAMALINGA REDDI:—“May I ask my Hon. Friend whether he does not think that in a matter like this, people read newspaper advertisements more than the Gazette notifications and that by condensation of this kind, if Andhra and Annamalai Universities are omitted, it may be surely interpreted as condemnation of the degrees of the universities. I would be grateful if my Hon. Friend will kindly see that Government themselves recognize the degrees of the Andhra and Annamalai Universities as equivalent to the corresponding degrees of the Madras University so that there may be no mistake in this matter or any sense of inferiority. I do not see why we should inferentially be equated with other Universities?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I have already said, Sir, in answer to the previous question that the Government view is quite clear on the point and that they are considering the exact form in which the notification may be issued. As regards the newspaper being more read than the gazette, I think it is true, but the attention of those who read that passage in the newspaper would be drawn to the detailed notification in the *Fort St. George Gazette* and those who are seeking posts may be expected to look up the rules also in the gazette. But, I do not at all object to the suggestion that we should put in a longer advertisement and give the whole thing in the newspaper. Government will certainly consider the suggestion most favourably.”

DR. C. RAMALINGA REDDI:—“Thank you, Sir.”

#### UNSTARRED QUESTIONS.

*High rate of mortality in certain taluks in South Kanara district.*

33 Q.—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of villages that are subject to depopulation in the interior parts of Puttur, Karkala and Coondapoor taluks on account of death-rate there being far higher than birth-rate and the reason for such high mortality; and

(b) what steps the Government have taken to make the said areas healthier and more inhabitable?

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A.—(a) There are 89 such villages. Malaria is chiefly responsible for the high death-rate.

(b) The Government are distributing quinine free in these taluks.

*Report of the Marjoribanks Committee on land revenue remission.*

34 Q.—RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Revenue be pleased to lay on the Table the report of the Land Revenue Committee presided over by Sir Norman Marjoribanks with all the memoranda received by the Committee?

A.—The Government will lay the report on the Table of the House after they arrive at some decision on the recommendations contained in it. The Government do not consider it necessary to print and lay on the Table all the representations received by the Committee.

*Constitution of Vavveru Forest Panchayat, Nellore district.*

35 Q.—MR. L. SUBBARAMA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) what the villages are that contribute the forest area to the Vavveru Forest Panchayat of the Kovvur taluk, Nellore district;

(b) whether all the villages comprising the above panchayat have been properly represented on it; and

(c) if not, whether the Government will be pleased to state the reasons for the same?

A.—(a) (1) Vavveru village with the hamlets of Butchireddipalem and Kattubadipalem.

(2) Rebala with the hamlet of Nagayakunta.

(3) Iskapalem with the hamlet of Polinaiducheruvu.

(4) Kothavangallu.

(b) & (c) Representation has been given to all the villages except Rebala and its hamlet Nagayakunta and the hamlet of Polinaiducheruvu. The question why Rebala and Polinaiducheruvu should not be given separate representation is being examined by the Collector.

*Permission for a kazi to conduct prayer to Muslim convicts in Vellore Central Jail on Fridays and I'd days.*

36 Q.—KHAN BAHADUR V. HAMID SULTAN MARAKKAYAR: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether it is a fact that a kazi is allowed inside the Penitentiary at Madras and the Central and District Jails in the mufassal for conducting prayer to the Muslim convicts on Fridays and on the two I'd days; and

(b) whether it is also a fact that similar concession is not enjoyed by the Muslim convicts in the Central Jail, Vellore?

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A.—(a) & (b) Rule 284-C, Jail Manual, provides for moral and religious instruction to convicts in their own faith, and that Superintendents of Jails must endeavour to secure the services of honorary lecturers and further that, in the absence of such lecturers, the senior members of the jail staff, preferably the teachers, should be deputed to lecture to the prisoners. The Government have no information as to the actual arrangements made in each jail. They recently received representations to the effect that a kazi should be allowed to enter the Vellore Jail on Fridays and on I'd days of Ramzan and Bakrid to conduct prayers for the Muslim convicts, and they have instructed the Inspector-General of Prisons to see that a suitable Muslim is appointed as moral and religious lecturer to the Vellore Jail for this purpose.

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

#### II.—ANNOUNCEMENT *RE* THE BUSINESS OF THE COUNCIL FOR THE 28th SEPTEMBER 1937.

\* THE HON. DR. T. S. S. RAJAN:—“ Mr. President, Sir, I may inform the House that the Madras Prohibition Bill, as passed by the Assembly, will be ready for consideration by this House to-morrow. Besides, one or two other Bills are also likely to come from the Assembly for consideration by this House. Copies of the Prohibition Bill, as passed by the Assembly, will be circulated to hon. Members as soon as they are received from the Government Press; they are expected every minute in the Council Office.”

DR. C. RAMALINGA REDDI:—“ May I ask the Hon. the Leader of the House whether he will give sufficient time to table amendments to such an important Bill like the Prohibition Bill, and whether he would consider the desirability of allowing some breathing time at least for this elderly Council? ”

THE HON. MR. C. RAJAGOPALACHARIAR:—“ It is no doubt, Sir, quite true that we have to run fast, but the other House has fully considered the matter and a Select Committee has sat over the Bill and printed copies of it will be made available to hon. Members at once; and this revising Chamber will have no difficulty, especially because of the greater experience of the Members, in dealing with the various provisions, within the time allowed.”

DR. C. RAMALINGA REDDI:—“ I want to represent to the Hon. the Prime Minister that while I appreciate the compliment paid, there seems to be also a sort of undercurrent to the effect that we had better not try revision too much.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“ Sir, it is in the fullest confidence that there will be proper and efficient revision here, that I hurried through it in the other House.”

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MR. J. A. SALDANHA:—“ May I enquire, Sir, when we are to send in amendments? Under the rules, three days' notice is required to be given; or at least one day's notice in certain cases. In this case, when are we to send in amendments, Sir? ”

\* MR. PRESIDENT:—“ As a special case, hon. Members are permitted to send in amendments till the last moment.”

#### III.—MESSAGES FROM THE ASSEMBLY *RE* MADRAS STATE AID TO INDUSTRIES (AMENDMENT) BILL, 1937, AND THE MADRAS REVENUE RECOVERY AND CITY LAND-REVENUE (AMENDMENT) BILL, 1937.

\* MR. PRESIDENT:—“ I have to announce to the House that the following messages, dated Chepauk, the 25th September 1937, have been received by me from the Hon. the Speaker of the Madras Legislative Assembly:

(1)

“ In accordance with Rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras State-Aid to Industries (Amendment) Bill, 1937 (L.A. Bill No. 3 of 1937), as passed by the Assembly on the 25th September 1937 and signed by me, for the concurrence of the Council.”

(2)

“ In accordance with Rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Revenue Recovery and City Land-Revenue (Amendment) Bill, 1937 (L.A. Bill No. 4 of 1937), as passed by the Assembly on the 25th September 1937, and signed by me, for the concurrence of the Council.”

#### IV.—BILL FURTHER TO AMEND THE MADRAS STATE AID TO INDUSTRIES ACT, 1922, FOR CERTAIN PURPOSES (L.A. BILL No. 3 OF 1937).

THE HON. MR. V. V. GIRI:—“ Mr. President, Sir, I beg to move that the Bill<sup>a</sup> further to amend the Madras State Aid to Industries Act, 1922, for certain purposes (L.A. Bill No. 3 of 1937), as passed by the Assembly, be taken into consideration.

“ Sir, I do not think a lengthy speech is necessary from me . . . .”

\* MR. L. SUBBA RAO:—“ Mr. President, Sir, I rise to a point of order. Though I am entirely at one with the Hon. Minister, in the necessity for such a Bill, and though I am in favour of the Bill, yet I believe, the rules of the House require that a Member of the House shall introduce a Bill or move a resolution. No doubt, section 64 of the Government of India Act states, ‘ Every Minister and the Advocate-General shall have the right to speak in, and otherwise take part in the proceedings of, the Legislative Assembly of the Province or, in the case of a Province having a Legislative Council, both Chambers and any joint sitting of the Chambers, and to speak in, and otherwise take part in the proceedings of, any committee of the Legislature of which

<sup>a</sup> Printed as Appendix I on page 294 infra.

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he may be named a member, but shall not, by virtue of this section, be entitled to vote.' But, I find from the Rules of the Council, a member is defined thus: 'Member' means, member of the Council; 'Member in charge of a Bill' means in the case of a Government Bill, any member acting on behalf of the Government; and a 'Member of Government' means a Minister and includes any Member to whom such Minister may delegate his functions.

"Now, passing on to rule 57, it says 'A Member who has moved a motion or amendment to a motion, may withdraw the same.'

"Referring to rule 62, it will be seen that 'at any time after a motion has been made, a member may move that the question be now put.'

"Going on rule 70, we find, 'Any Member desiring to move for leave to introduce a Bill shall give fifteen days' notice of his intention and shall together with the notice submit to the Secretary a copy of the Bill,' etc.

"Now, rule 97 lays down, 'As soon as possible after a Bill which has been once passed by the Council is received from the Assembly with a message that it has not agreed to the Bill, the Council may by motion made by any member report the fact of disagreement to the Governor.'

"Then, Sir, I take you to rule 103, which says, 'At any time after copies have been laid on the table in the the case of Government Bills any member acting on behalf of Government'—he must be a Member of the House—and in any other case, any Member may give notice of his intention to move that the Bill be taken into consideration'.

"Then, the general rules of procedure relating to Bills and resolutions are laid down; and if we go to rule 115, it will be seen that 'subject to the restrictions contained in the Act and the rules, any member may move a resolution relating to a matter of general public interest within the cognizance of the Provincial Government.'

"Now, rule 120 says, 'A member in whose name a resolution appears on the list of business shall, when called on, either (a) withdraw the resolution . . . or (b) move the resolution'.

"So, Sir, we find right through reference is made to 'a Member' and I believe it is consistent with the rules that only a Member of the House should move resolutions and make the motions."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I beg leave to say a few words on the point of order that has been raised. I rise straightway to amplify the rules that the hon. Member referred to, by pointing out the fact, that I am entitled to speak on this occasion though I am not a Member of this House. The very section that was read is quite explicit in regard to two things, one positive and the other negative. The first part of section 64 says that a Member of Government even though he is not a Member of this Chamber can 'speak and otherwise take part in the proceedings.' That, I submit, Sir, is positive;

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and the negative part of it says that 'this shall not entitle the Member of Government to vote.' So that it is quite obvious both according to the English of the section as well as of the law of the section, that Members of Government, even if they are not Members of this House, can conduct the business of the House with the exception that they cannot vote actually when the Bill is under consideration. 'Speaking and otherwise taking part in the proceedings of the House' would include, I submit, the power to make a motion that the Bill be taken up for consideration and do all the other things necessary to carry the Bill on through all its stages. The various rules that have been read with reference to the conduct of business in the Chamber need not be gone into, though, if it were necessary, we can go through them one by one, as the provisions of the Government of India Act cannot be overridden by any error or verbal flaw in the rules."

DR. C. RAMALINGA REDDI:—"Mr. President, my Hon. Friend the Prime Minister showed that under the Government of India Act, the Member of Government has every right to speak and otherwise take part in the proceedings of the Chamber of which he is not a Member. Is speaking more important than introducing Bills or moving motions and resolutions? If speaking is the more important one and others could be done as subsidiary functions to speaking, my hon. Friend's interpretation would *prima facie* stand valid. But it is thought that 'speaking and otherwise taking part' might mean interrupting, answering questions and such other things—I am only putting the possible business the Ministers may transact in the House—and that motions on Bills being of a higher and more important order, would have been specifically mentioned in the Act if they were within the competence of the Members of Government. I think the point of view of Mr. Subba Rao would have to be upheld. In any case, I do not think that the technical difficulty should be allowed to stand in the way of the conduct of urgent business and I would suggest that Dr. Rajan may make a motion for the consideration of the measure and then the Hon. Minister for Industries may make his speech."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I submit it is not merely a matter of compromise. A decision on the question of the right of Members of Government who are not Members of this House to take part in the proceedings of this House, cannot simply be postponed merely because Dr. Rajan, the Leader of this House, who is also a Member of Government, is present here. Surely, the argument with reference to the relative importance as between making motions, answering questions and interrupting in debate, does not seem to be convincing. Voting is not the least important part of the rights of a Member. But the right of voting alone is excluded. When the negative portion of the section says that the right of voting is excluded, it is implied that the right of making motions is included in the positive part of the section. After all, it is nowhere said that the importance should be in the rising order and not in the falling order. It may be anything."

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\* MR. PRESIDENT:—"Section 64 of the Government of India Act reads thus: 'Every Minister and the Advocate-General shall have a right to speak in, and otherwise take part in the proceedings of, the Legislative Assembly of the Province or, in the case of a Province having a Legislative Council, both Chambers and any joint sitting of the Chambers', etc. I consider the phrase 'otherwise take part in the proceedings' is comprehensive enough to entitle him to make a motion of this kind. Mr. Giri may proceed with his motion."

THE HON. MR. V. V. GIRI:—"Mr. President, I do not consider that a lengthy speech is necessary for commending this Bill for the consideration of this House. It is admitted on all hands that the poor agriculturists of this country require a subsidiary occupation. There can be no other subsidiary occupation until village and cottage industries are encouraged. At the present moment, the State Aid to Industries Act is limited in its scope and application. The amending Bill now before the House is only intended to enlarge its scope and application. With these words, I commend the Bill for the consideration of the House."

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

Clause 2 was put and carried.

Clauses 3, 4 and 5 were put and carried.

Clause 1 was put and carried.

The preamble was then put and carried.

THE HON. MR. V. V. GIRI:—"I move that the Bill be passed into law."

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

V.—BILL FURTHER TO AMEND THE MADRAS REVENUE RECOVERY ACT, 1864, AND THE MADRAS CITY LAND-REVENUE (AMENDMENT) ACT, 1867, FOR CERTAIN PURPOSES (L.A. BILL NO. 4 OF 1937).

\* THE HON. MR. T. PRAKASAM:—"Mr. President, I beg to move that the Bill further to amend the Madras Revenue Recovery Act, 1864, and the Madras City Land-Revenue (Amendment) Act, 1867, for certain purposes (L.A. Bill No. 4 of 1937), as passed by the Assembly, be taken into consideration at once.

"This is a very simple Bill and is not of a controversial nature. Under section 36 of the Madras Revenue Recovery Act, 1864, the purchaser of a piece of land at auction has to pay 15 per cent as a deposit and the balance should be paid within three months. The Board has laid down a certain procedure in Board's Standing Order No. 45, in case the property is purchased by the Government itself for want of bidders, whereby it should be purchased at a nominal price and the amount of the purchase money written off the accounts as an irrecoverable arrear.

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The High Court took a different view and said that this procedure was in conflict with section 36 of the Madras Revenue Recovery Act and as such the Government had to pay the initial deposit and pay the balance within 30 days just like any other private buyer. This procedure has been followed without any administrative inconvenience and it is felt that the application of the provisions of the Act to the cases where the Government are the buyers, would cause considerable administrative inconvenience. That is why this measure has been brought forward rendering the particular sections of the Act inoperative in the case of sale where the Government themselves are the buyers."

\* DR. SIR K. V. REDDI NAYUDU:—"Mr. President, so far as it goes, the Bill is all right. As has been pointed out by the Hon. Minister, the High Court has pointed out the anomaly in the case where the sale is held and the Government themselves purchase the property. In the case of the purchase of the property by an outsider, he is required to pay a deposit of 15 per cent and the balance is paid at the end of thirty days. Out of the amount so collected, the amount due to the Government is taken and the balance is available to the landholder. The Bill now before us only refers to those clauses which provide for the payment of 15 per cent and not to the returning of the balance to the owner of the land. Suppose, for instance, only Rs. 10 is due to Government on an acre of land. The land is worth Rs. 500 or Rs. 600. If there is no bidder, the Government will purchase for exactly the same amount that is due to them, say Rs. 10, and so no balance remains, and nothing is paid to the owner of the land. Therefore it seems to me that some provision should be made in the Bill, whereby the real value of the land might be ascertained and some money paid to the owner of the land. For that there is no provision here in this Bill. Unfortunately, Mr. President, we did not exactly know when the Bill was passed by the Assembly; and I am afraid we have not had sufficient time to move any amendment. I do not propose to move any amendment now; but I will leave it to the Hon. the Revenue Member to consider that aspect of the case and see whether it is possible to pay anything to the landowner, in cases where the Government consider that the land is certainly worth more than the amount due to the Government."

\* THE HON. MR. T. PRAKASAM:—"Mr. President, Sir, my hon. Friend, Sir K. V. Reddi, has pointed out that no provision is to be found in the Bill to return any surplus amount to the owner of the land. Generally no property worth more than what is due to the Government is held back. Government are not at all anxious to purchase any property. It is only when there is no bidder and when the value of the land that is proposed to be sold is not very high, the Government themselves purchase it. If there should be any serious loss to anybody, it is a matter that can be addressed to the authorities, and there is already

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provision in the Act to meet such a case. But anyway what has been suggested by my hon. Friend will be taken into consideration, and I shall see whether anything can be done."

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

*Clause 2.*

\* MR. PRESIDENT:—"The question is that clause 2 do stand part of the Bill. Mr. Ahmed Meeran has sent in notice of an amendment to clause 2. I have gone through the amendment and I have come to the conclusion that the amendment should be disallowed on the ground of its being outside the scope of the Bill."

DR. SIR K. V. REDDI NAYUDU:—"Mr. President, Sir, may I know what the amendment is?"

MR. PRESIDENT:—"It has been circulated."

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 1 was then put and carried.

The Preamble was put and carried.

THE HON. MR. T. PRAKASAM:—"Mr. President, Sir, I beg to move that the Bill be passed into law."

\* MR. T. A. RAMALINGAM CHETTIYAR:—"May I make a suggestion, Mr. President, to the Hon. the Revenue Minister to make some provision in the Board's Standing Orders in respect of the matter referred to by Sir K. V. Reddi? That is, in cases where private land is sold in auction on account of arrears of revenue—and as is very often the case, that land is sold in auction for a very low price and even if after a time the ryot is able to pay the kist plus any interest the Government may charge, the land should be given back to the same landowner. There will be no difficulty if the land has not been sold to any other person. Difficulty arises only when the land is, in the meanwhile, alienated to a third person. What I want is, that the ryot ought to be able to get back the land. I don't know, Sir, whether the present Board's Standing Orders proved for such a thing; and if there is no such provision, I would request the Hon. Minister to introduce a provision to that effect."

\* MR. S. K. AHMED MEERAN:—"Mr. President, Sir, may I take this opportunity to request the Hon. the Revenue Minister to accept my suggestion? Now that the Government is not going to deposit money as is required under the Act, and since there is not to be any deposit of money for any period of time, may I suggest to him to see that in cases where the owner of the land pays back the amount with

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all the arrears due and all the interest due as per section 37 of the Act within thirty days he should not be asked to pay besides interest, five per cent of the purchase money by way of compensation. That five per cent is provided for in the Act as some compensation or solatium for those who have been deprived of their money. The purpose of five per cent is this: supposing there is a purchaser of land in auction, that is, a private person purchases the land, if the sale is set aside, then it may take for him four or five months to get back the money; and it is to provide for such a contingency that five per cent is fixed. But where the Government themselves are the purchasers, where under the law they need not deposit any money, may I request the Hon. the Minister to introduce necessary legislation to see that in such cases the Government do not claim five per cent of the purchase money. It is for this purpose that I gave notice of my amendment, but for certain reasons, the Hon. the President has disallowed it. I request therefore that the Hon. the Minister will see that necessary steps are taken not to demand five per cent of the purchase money in the case I have pointed out. With these words I support the motion."

\* THE HON. MR. T. PRAKASAM:—"Sir, my hon. Friends who raised the difficulty do not seem to have considered the meaning of section 37-A of the Act. The present legislation disposes of the necessity of depositing any cash by Government, in case they are the purchasers in auction. That is all that is done by the present amendment. Section 37-A provides for the setting aside of the sale, in cases where private parties purchase the land. The five per cent of the purchase money can be deposited before the Collector and the sale can be set aside. So I don't see any difficulty, and so there is no need for having any additional provision."

\* MR. T. A. RAMALINGAM CHETTIYAR:—"May I say, Sir, that is not the point that I raised. I said, where the Government purchase the land in auction, the landowner should be able to get back his land when he is able to pay the kist and the interest charges that Government may levy. It may be some months, or even some years before he is able to pay; and my point is that so long as the ryot is able to pay the kist he should be given the opportunity of getting back his land. That is what I suggested. I do not want to move any amendment; I do not know whether there is any provision in the Standing Orders to that effect. If there is none, I want that such a provision should be made."

THE HON. MR. T. PRAKASAM:—"Sir, I thought, all the speeches were over, when I rose to speak. Now Mr. T. A. Ramalingam Chettiyar has made himself clear, and I shall give his suggestion my best consideration."

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

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4 p.m. VI.—MOTION *RE* AMENDMENT TO SCHEDULE IV OF THE MADRAS  
DISTRICT MUNICIPALITIES ACT, 1920.

\* THE HON. MR. B. GOPALA REDDI:—" Mr. President, Sir, I beg to move—

*that the following draft of a rule proposed to be made by the Provincial Government under section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), amending Schedule IV to that Act be approved:—*

*Draft rule.*

*To rule 61 of Schedule IV to the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the following paragraph shall be added, namely:—*

*"Where an application is made to the court under clause (a), the auditor shall be the sole respondent thereto, and the applicant shall not be entitled to make either the Provincial Government or any other person a party to the proceedings."*

" Mr. President, Sir, some cases have come to the notice of Government where the District Collector as representing the Secretary of State in Council has also to plead in surcharge proceedings. In accordance with the recommendation of the High Court this amendment is being brought in and it will obviate the difficulty of the District Collector pleading, representing the Secretary of State. The Assembly passed the amendment without debate and I commend the amendment now."

MR. V. VASANTHA RAO:—" Mr. President, Sir, I beg to submit that at present the right of appeal exists and I wish to know whether it will continue against surcharge orders."

THE HON. MR. B. GOPALA REDDI:—" I will explain, Sir; the proposal is that the surcharge rules be amended so as to provide that the Secretary of State for India in Council shall not be made a party to proceedings in courts arising out of surcharge certificates and that the Examiner of Local Fund Accounts should be made the sole respondent in applications made to the court for setting aside surcharge certificates; or Sir, the auditor will be liable to the proceedings of the surcharge certificate."

\* MR. P. PEDDI RAJU:—" I am supporting the motion and I want to say a few words. The doubts of Mr. Vasantha Rao have not been cleared by the Minister. As it is, it leaves a doubt. Where a surcharge is made by the Examiner, the party can either appeal to Government or proceed to the district court. Doubts have arisen whether the Secretary of State or the President of the Board concerned or both ought to be made parties or whether the auditor should be made the party. Sometimes only the Secretary of State and the Board are made parties. Recently Justice S. Varadachariar said in one of his judgments that this practice is rather anomalous and advised Government to frame a

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rule that one single person should be made the party. I think the Government have made this proposal, that instead of the Secretary of State or the president, district board, or both being made parties, the auditor should be made the party. In this connexion, Sir, I would only request the Minister to make a note that in all pending petitions either before courts or appeals, the Collectors who are representing the Secretary of State should be removed and that the auditor should be substituted as party. Otherwise there will be some difficulty for the parties. A circular may be issued by Government giving effect to this rule for asking for substitution of parties."

\* DR. SIR K. V. REDDI NAYUDU:—" Mr. President, Sir, this is a matter which does not seem to be free from doubt. In the present case, for instance, what happens is this. When some expenditure has been incurred by a chairman by an order of his or by a meeting (that means some members only are present) and when the auditor finds that the expenditure was unauthorized according to the rules or for some other reason, he thinks it fit to surcharge either the chairman in the first case or in the second case those members who were present at the meeting and who agreed to that expenditure. At present, as has been pointed out, the Secretary of State and the Board or the municipality concerned are also made parties. With all due respect to the Judge of the High Court who made the suggestion I feel some difficulty. When a surcharge has been ordered, the money will be recovered from the party concerned whether it be the chairman or other members and the money will be deposited and will go to the municipal council or the local board as the case may be. The suggestion is that the auditor who, if I may say so, is more or less in the position of a midwife should be the only party. How is the decree to be executed? If he alone is to be made the party the decree may be passed against him only. The money has been received under the orders of the Government by the local body. So as it stands, if I may continue the metaphor, it is not the mother who has given birth to the child nor the baby that is born but it is the midwife that is made to pay. But at the spur of the moment, assuming hostilities are there, it is open to the decree-holder or the man in whose favour the Judge may pass the decree to execute the decree against this auditor who is a servant of Government. Why should he be made to pay the party? That seems to me rather a difficult thing. At least in cases where the money has been collected, the board or the municipal council should be made parties so that there may be no difficulty for its recovery. It is not always the whole board. It may be merely the chairman. The chairman brings a suit. From whom is he to recover? Is it from the auditor? It does not seem to be fair. In every such case at least in cases where money has been collected and has to be refunded, I think, Sir, the body which is in possession of the money, which has been paid by the applicant will have to be made a party."

\* MR. L. SUBBA RAO:—" With reference to the observations made by Sir K. V. Reddi my experience is that generally in no case, the amount is collected before the matter is placed before the court of



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law. I have not got the rules for ready reference. My recollection is fourteen days' time is allowed by the surcharge certificate within which the matter is to be placed before the court of law. Generally fourteen days' time is given and it is either the board or the municipality as a whole who vote and will be made liable and the surcharge will be in the individual names. Until the disposal of the matter by the court the recovery of the money is not generally made. In fact it is stayed as it were though not by the court of law and the surcharge order is not executed. But I would like to suggest as a matter of verbal amendment that 'Examiner of Local Fund Accounts' be substituted for 'auditor.' The gentleman who issues the surcharge certificate is the Examiner of the Local Fund Accounts himself. The auditor sends the representation to the Examiner. The ultimate authority is the Examiner of the Local Fund Accounts. If it is permissible I should like to have the Examiner substituted for the auditor."

\* DR. SIR K. V. REDDI NAYUDU:—"On a matter of personal explanation, Sir, I may mention that I have known a case in which money was collected from the person surcharged. He himself deposited the money because fourteen days lapsed before the matter came to Government. The aggrieved party appealed to Government. The fourteen days lapsed before he could get the order reversed. So he had to deposit the money and the matter was disposed of by Government and then the matter came to the court. Such a case will not be covered by what my hon. Friend suggests."

MR. V. VASANTHA RAO:—"The present practice and the present rule that the Secretary of State should be made defendant may be continued. From the coffers of the Secretary of State money could be recovered by the council or the chairman."

MR. D. SRIRAMAMURTI:—"Sir, in reply to Sir K. V. Reddi, I beg to state that there is no difficulty in the amendment proposed because the apprehension that he entertains is not founded on surcharge rules. The wording, I do not exactly remember, says he will have to pay so much amount unless he files a petition before Government within 14 days. Therefore there will be no collection when once the aggrieved party exercises the right of appeal before the local Government or the district court. When the order is modified or when the surcharge order is confirmed it is the original order that will be executed and the revision order will not be executed at all. So there will be no difficulty with regard to the execution of the original order on the person against whom the surcharge order is made. With regard to the difficulty expressed as regards realization there is not at all any difficulty with regard to the money being collected. The money can never remain uncollected because it is made a condition precedent. Whether it is auditor or Examiner of Local Fund Accounts it is the original order that will be executed."

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\* MR. S. J. GONSALVES:—"Mr. President, Sir, I too feel that if the defendant were to be the Examiner of Local Fund Accounts there will be practical difficulty in the execution of decree. Suppose the plaintiff sues and the defendant or respondent is only the Examiner of Local Fund Accounts, how is the money to be recovered from him? According to the Civil Procedure Code, he is not the representative of the Government and he is not vested with Government property. But if the defendant is the district board or the municipality, the decree passed against them can be easily executed. So also the decree passed against the Secretary of State, as the property of Government is vested in the Secretary of State. How is the decree to be executed against the Examiner? It is not his personal debt. It seems to me that further practical difficulties will arise in the execution of this decree as the result of this enactment."

\* MR. T. C. SRINIVASA AYYANGAR:—"I am afraid the discussion has drifted away from the resolution. The amendment is merely to make a provision in the matter of procedure, in the case of an application before the district court consequent on an order of surcharge, as to who should be made a defendant. In such cases the law has provided a remedy to the aggrieved party of going before a court of law. 4-15 P.M."

"Now, Sir, the present practice is for the surcharge certificate to be issued by the Examiner of Local Fund Accounts against the officer of Board concerned. It is not the case that a third party is surcharged, but it is the case of either the president, or the vice-president or the member who may be responsible; sometimes it may be the president or the vice-president who may have to bear the amount of surcharge, and in certain cases, those members of the board also who took part in passing a wrong resolution which led to the improper expenditure of public money, who may have to bear the cost. Often-times, in such cases the person who seeks relief by application to a court of law is not the board or the chairman or the president or vice-president; but the real persons who should defend the suit will be either the Secretary of State or the auditor. It is the auditor that examines the accounts and finds that the expenditure is improper and that it ought to be surcharged. Therefore, it will be a great convenience if the officer who has experience and who has all the materials at his command is put in to defend the suit and he will be in a position to place all the materials before the court at as early a time as possible and without any circumlocution. Moreover, in case the Secretary of State is made the party, what generally happens is, he calls for information from one department or another and it goes on and on until it comes eventually to the auditor who will have to come in and give instructions. Therefore, it is a simplified procedure that is sought to be made here. No merits are affected, no rights or liabilities are affected or sought to be changed; and the question of collection of money or the refund of money does not at all arise here. My hon. Friend, Mr. Gonsalves, raised the point,



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supposing an application succeeds, and in the meantime the money is collected, who is to pay the amount? For that, I may point out, Sir, that the Government which by its law authorizes that a particular officer shall sue or be sued on its behalf, certainly undertakes to stand by the results of the litigation in which the party concerned happens to be the defendant. Surely, the moment the decree is passed or the application is allowed, that officer will communicate the fact to the Government and take care to see that he gets enough funds and the same is deposited in court and thus he will rectify the mistake that has been made by him. I do not therefore think any difficulty will arise by adopting this particular proposition."

\* MR. L. SUBBA RAO:—"Mr. President, Sir, though I have no right to speak a second time, I hope I have your permission to do so. I think, Sir, the substitution of the word 'examiner' for 'auditor' is necessary. You know, Sir, there are about half a dozen persons coming in as auditors to examine the accounts. There are only two classes of persons who are responsible for audit work. The chief man is the head of the department, namely, the Examiner of Local Fund Accounts; and the other is the Inspector of Local Fund Accounts in charge of the district; but the surcharge certificate is issued by the Examiner of Local Fund Accounts. Therefore the word 'auditor' will create some amount of confusion. Therefore, I have suggested the substitution of the word 'Examiner of Local Fund Accounts' for the word 'auditor.' Moreover, Sir, we received notice of this draft rule only just now and there was no possibility of considering its implications or of sending any amendments. I therefore request the Hon. Minister to accept my suggestion."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I just wish to say this, Sir. The position pointed out by some hon. Members is that it would be an impossible thing to recover moneys from a mere official whoever it may be; but even if it be the Secretary of State or any other official, that position would be the same. Nor is that a real difficulty, because in all these cases, it is the Government or the local body that is responsible, whoever the official may be that may stand before the court to represent either the Government or the local body. The case that is sought to be covered by the present rule is not a case of recoveries of moneys paid at all. Where a surcharge is ordered it is open to the local body that suffers under that order, to appeal to the Government or to file a suit and get a judicial decision in the matter.

"With regard to the procedure, it is prescribed by the rules that instead of the Secretary of State, it is the officer or the institution, by being made party, that should defend; and the procedure is already laid down by the Government that the Examiner of Local Fund Accounts should be the person who is to be put down as the defendant in a suit in which the validity of his ruling, namely, the auditor's ruling, is put to test before a judicial tribunal. He is the best person to defend the position and he is the best person to help the court to come to a decision; and

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it is that that is intended by the present rule. Whatever decision is arrived at, the local body or the person or the institution surcharged will be entitled to take advantage of the order and carry it out and I do not think there is any difficulty at all in the matter."

DR. SIR K. V. REDDI NAYUDU:—"May I request the Hon. the Prime Minister to say, what the position would be if the court in deciding a case decrees costs of the application? From whom are the costs to be recovered?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is with respect to that that I said that whatever consequential or other orders are passed, as Mr. T. C. Srinivasa Ayyangar explained, the Government which makes a rule that so and so shall be the officer to defend a suit, will certainly be bound to carry out such incidental orders. The main object of the proceeding is to give a declaratory decree and the gentleman who is responsible for the order that has to be vacated, is made the defendant."

MR. C. RAMALINGA REDDI:—"In that case, should not the Examiner of Local Fund Accounts be substituted for the word 'auditor'?"

MR. T. C. SRINIVASA AYYANGAR:—"Examiner of Local Fund Accounts, or the district inspector or whoever is responsible."

THE HON. MR. C. RAJAGOPALACHARIAR:—"To cover both cases, the word 'auditor' is used; that means whoever is responsible."

MR. L. SUBBA RAO:—"If the word 'auditor' also is defined, it would make matters clear, because at present the surcharge certificate is issued in the name of the Examiner of Local Fund Accounts."

\* MR. M. NARAYANA RAO:—"Mr. President, in the case of municipalities, what happens is a number of auditors come and audit the accounts. Generally it (surcharge) may be a case three or four years old after the mistake had occurred. Therefore, it appears to me that the proper person to be impleaded as party is the Examiner of Local Fund Accounts and it is he that should issue the surcharge certificate and nobody else, not auditors."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Once again, Sir, as for the suggestion that the word 'auditor' should be more specifically described, or otherwise it may mean any auditor anywhere, I may point out that the reference is to the clause in the District Municipalities Act and when the word 'auditor' is there, the phrase is not left in any doubt."

The motion was put and carried.

## II.—ANNOUNCEMENT *RE* THE BUSINESS OF THE COUNCIL FOR THE 28TH SEPTEMBER 1937—*cont.*

\* DR. SIR K. V. REDDI NAYUDU:—"Mr. President, Sir, before you close the business of the House for the day, I wish to make a representation. We have just now received a notice from the office regarding the work for to-morrow. It simply says this: 'Questions and Answers'; of course we will be given copies. Then 'Government

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Bills.' There, the plural is used; but the names of the Bills are not given, much less, of course, copies of such Bills. Sir, the Hon. the Leader of the House was telling us that he was expecting copies of the Prohibition Bill every minute from the Press, but unfortunately, we have not got them so far. I take it, Sir, that so far as the Prohibition Bill is concerned, copies of it will be sent to our residences before this evening. But, what the other Bills are that will come up for to-morrow, we do not know; and how are we to prepare and give notice of amendments? Even circulation is somewhat indefinite. For instance, sometimes we receive notice stating that notice of the following Bills has been received; sometimes it is stated, 'the following Bills as passed by the Assembly have been received'; and sometimes, copies come in independently of any statement about them; but whether they are going to be put down for any particular day, or at what stage they are we do not know. Of course, I am not complaining about that at all, Sir. I am only asking that we should be given greater facilities than are at present available. For instance, if we know what exactly are the Bills that will come up to-morrow, we will be in a position to study them and if we think fit, suggest any amendments that may be necessary. I, therefore, submit that in issuing notices in future, more definite information may be given pointing out that certain Bills of the Government will be moved and copies may accompany them, if copies are not already supplied."

\* THE HON. DR. T. S. S. RAJAN:—"Sir, hon. Members have received notice of the Madras Prohibition Bill as passed by the Assembly. I may assure hon. Members that they will have copies of it some time before the close of the day or perhaps copies will reach them in their residences, if not received from the Press before the House adjourns for the day. With regard to the other Bills, those Bills that have been passed to-day by the Assembly will be sent over to hon. Members also in due course, but it is very difficult to say just now as to the number of Bills that will be coming up for discussion to-morrow. As hon. Members are aware, the Assembly has been sitting all along for dealing with the Budget and we were not able to know which will be the order of preference. With regard to the other Bills going to be submitted to this House, I may say that as soon as they are taken into consideration and passed by the Assembly, they will be sent over here, but I may tell hon. Members that as this is only a revising Chamber the Bills have first of all to be passed in the lower House and then sent over here; and as soon as we are in a position to do so, we will certainly submit them to hon. Members. I know there is a certain amount of inconvenience caused to members, but as time is short, it is very difficult to avoid such delays. However, we shall see that members are put in possession of the Bills as early as possible."

DR. SIR K. V. REDDI NAYUDU:—"Sir, so far as the Prohibition Bill is concerned, I can understand the urgency of the matter, because as hon. Members are aware, it will have to come into force on the 1st of October 1937. But, what about the other Bills; where is the urgency for them; could not they give us a single day at least for their consideration?"

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DR. C. RAMALINGA REDDI:—"May I also draw your attention, Mr. President, to the somewhat indefinite nature of the agenda supplied to us? It is stated 'Any Bills coming from the Assembly.' Even the omniscient cannot be prepared to deal with a sheet of paper on which there is nothing except the hon. Member's intention to move a certain Bill which is not before us, to-morrow. I can, of course, see in the present session there is bound to be a certain amount of hurry of this kind, but I only request the Hon. the Leader of the House and the Prime Minister to see that in future at all events, we are given more time to prepare ourselves. No doubt, Sir, we have got some experience; that I shall take as a compliment; at the same time, Sir, the more the experience, the less the energy, and therefore, we would require a little more time."

THE HON. MR. C. RAJAGOPALACHARIAR:—"All that I can say is that the last statement made is falsified. It looks as if more experience gives more energy and not less. There is more opposition to be met with here than in the Assembly of the younger members. Hon. Members seem to be graciously pleased to know and appreciate why there has been a certain amount of hustling with regard to our work this time. I may tell them that both Houses are sitting together and the sessions have not been put apart with any interval between the two. Hon. Members are aware that with regard to the Prohibition Bill and certain other changes sought to be made in the matter of elections, statutory difficulty has to be got through by getting the measures passed within a limited time. Under these circumstances, Bills have necessarily to be hustled through. Once this first rush is over, we shall give this House as much notice as can reasonably be given and there would not be any hustling at all in future. We are very sorry for it; and all I can say is that it would not be repeated in the year 1938."

DR. C. RAMALINGA REDDI:—"What about the succeeding months of the year? Are we going to have a holiday?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is because we propose to give a holiday to the members, that we want to rush now at one sitting."

The House adjourned till 3 p.m. the next day.

#### VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. Notification published in G.O. Ms. No. 3486, Home, dated 2nd September 1937, regarding amendments to certain traffic rules for the use of and regulation of traffic on the Tellicherry-Coorg and Calicut-Chandale-Nilgiris frontier roads.

2. G.O. No. 1616, Public (Elections), dated 28th August 1937, regarding date of commencement of the term of office of elected members of the Madras Legislative Council.

[27th September 1937]

## APPENDIX I.

[Vide item IV, at page 279 supra.]

## L.A. BILL No. 3 OF 1937.

(As passed by the Assembly.)

*A Bill further to amend the Madras State Aid to Industries Act, 1922, for certain purposes.*

WHEREAS it is expedient further to amend the Madras State Aid to Industries Act, 1922, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras State Aid to Industries (Amendment) Act, 1937.

Insertion of new section 1-A in Madras Act V of 1923.

2. After section 1 of the Madras State Aid to Industries Act, 1922 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

Definitions.

“ 1-A. In this Act—

- (i) ‘ cottage industry ’ means any industry carried on by a worker in his own home; and
- (ii) ‘ village industry ’ means any industry which forms the normal occupation, whether whole time or part time, of any class of the rural population of the Province.”

Amendment of section 6, Madras Act V of 1923.

3. For clause (c) of section 6 of the said Act, the following clause shall be substituted, namely:—

“(c) by paying a subsidy, in the case of a cottage industry for any purpose, and in the case of any other industry for the conduct of research or the purchase of machinery.”

Amendment of section 16, Madras Act V of 1923.

4. In section 16 of the said Act, after the words “ No subsidy ” in the second paragraph, the words “ to an industry other than a cottage industry ” shall be inserted.

Amendment of section 20, Madras Act V of 1923.

5. In section 20 of the said Act, after clause (d), the following clause shall be added, namely:—

“(e) from assisting a village industry in any manner which may be determined by the Provincial Government.”

[27th September 1937]

## APPENDIX II.

[Vide item V, at page 282 supra.]

## L.A. BILL No. 4 OF 1937.

(As passed by the Assembly.)

*A Bill further to amend the Madras Revenue Recovery Act, 1864, and the Madras City Land-Revenue (Amendment) Act, 1867, for certain purposes.*

Madras Act II of 1864.  
Madras Act VI of 1867.

WHEREAS it is expedient further to amend the Madras Revenue Recovery Act, 1864, and the Madras City Land-Revenue (Amendment) Act, 1867, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Revenue Recovery and City Land-Revenue (Amendment) Act, 1937.

Madras Act II of 1864.

2. After section 36 of the Madras Revenue Recovery Act, 1864, the following section shall be inserted, namely:—

“ 36-A. The provisions of the Third and Fourth clauses of section 36 shall not apply to cases where immovable property sold under this Act is purchased by the Government.”

Madras Act VI of 1867.

3. After section 18 of the Madras City Land-Revenue (Amendment) Act, 1867, the following section shall be inserted, namely:—

“ 18-A. The provisions of the Third and Fourth clauses of section 18 shall not apply to cases where immovable property sold under this Act is purchased by the Government.”

Madras Act II of 1864.

4. (1) The Madras Revenue Recovery Act, 1864, shall in its application to the Province of Madras be read and construed as if section 36-A had formed part of that Act from its commencement.

Madras Act VI of 1867.

(2) The Madras City Land-Revenue (Amendment) Act, 1867, shall be read and construed as if section 18-A had formed part of that Act from its commencement.

(3) Nothing contained in this Act shall be deemed to invalidate any decree or order passed by a Civil Court before the commencement of this Act which has become final.

## THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 28th September 1937.

The House met at 3 p.m. in the Council Chamber, Fort St. George,  
Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

### I. QUESTIONS AND ANSWERS.

#### STARRED QUESTIONS.

*Delay in the publication of administration reports of various departments.*

\* 74 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Administration Reports and Public Information be pleased to state—

(a) whether the Government are aware of the delay in the publication of the administration reports of several departments; and

(b) whether it is intended to take steps to expedite their publication?

THE HON. MR. S. RAMANATHAN:—“(a) Yes—in some cases. The hon. Member is however requested to keep in view the following factors:—

- (1) that the heads of departments have to be given sufficient time to collect statistics relating to the period in question and to compile the reports;
- (2) that the Government should have time to scrutinize the reports before publication;
- (3) that the pressure of work in the Government Press has to be taken into consideration; and
- (4) that undue haste in the matter will result in inaccurate reports.

“(b) Steps are however being taken to minimize the delay in the publication of reports.”

*Qualifications prescribed for appointments to posts of Sub-Inspectors of Salt and Customs and representations if any received from the Vice-Chancellor, Andhra University, for including its degrees also in respect of those appointments.*

\* 75 Q.—MR. L. SUBBA RAO: Will the Hon. the Prime Minister be pleased to state—

(a) whether the attention of the Government has been drawn to the Madras Public Service Commission Notification, dated 9th March 1937, calling for applications for appointment of Sub-Inspectors in the combined Salt and Customs Department;

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(b) if so, what the qualifications equivalent to B.A. or B.Sc. Degree of the University of Madras are;

(c) whether B.Com. Degree of the Andhra University is equivalent to the B.A. or B.Sc. Degree of the University of Madras for the purpose of the above appointment;

(d) whether the Government have received any representations from the Vice-Chancellor of the Andhra University requesting the inclusion of the Andhra University degrees among the qualifications prescribed for the said appointments;

(e) if so, will the Government be pleased to place on the table the said communication; and

(f) what the reply of the Government to it is and whether the Government will be pleased to place their reply also on the table?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) The Government have perused the notification.

“(b) Neither the Government nor the Commission maintains any list of qualifications which are considered equivalent to the qualifications prescribed for any post. The question whether any particular qualification not specifically prescribed for the post in question is equivalent to that prescribed is decided only when a candidate possessing the particular qualification applies for selection for the post.

“(c) The Commission considers that the B.Com. Degree of the Andhra University is not equivalent to the B.A. or B.Sc. Degree of the University of Madras.

“(d) to (f) Copies of the correspondence<sup>a</sup> and of the reply sent by the Government are laid on the table of the House. The Government have received another communication on the subject from

1 Extract from draft speech sent in August 1936 by the Vice-Chancellor of the Andhra University to the Hon. Minister for Education.

2 Letter from the Registrar of the Andhra University to the Government, No. 177 C/36, dated 5th August 1936.

3 Government's reply to the Registrar, Memorandum No. 20180-3, Public (Services), dated 20th May 1937.

the Registrar of the University and they are considering the question which degrees of the Andhra and Annamalai Universities may be treated as equivalent to the corresponding degrees of the University of Madras with a view specifically to prescribe them in the Statutory Rules for the services and to mention them in the Commission's notifications.”

DR. C. RAMALINGA REDDI:—“Arising out of answers to clauses (b) and (c), may I ask, Sir, whether the Commission considered the B.Com. and B.Sc. Degrees of the Andhra University unequal to the B.A. Degree of the Madras University only for purposes of appointment to these posts, or whether it was to be of general application in respect of all posts?”

<sup>a</sup> Printed as Appendix I on pages 329-330 infra.

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THE HON. MR. C. RAJAGOPALACHARIAR:—“It may be taken for the above purpose only for the present. If the hon. Member wants to have further information, he may kindly put a separate question.”

DR. C. RAMALINGA REDDI:—“Having heard the answer to a similar question yesterday, may I state that such a degree does not exist in the Madras University, and seeing that where it does exist it is considered equal, if not superior to, the B.A. Degree, will not the Government treat it as equal to the B.A. Degree?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I will take that observation from the Vice-Chancellor of the Andhra University as authoritative. But I cannot give a definite commitment till the suggestion is examined more fully?”

*Withdrawal of the criminal case against A. Kameswara Rao in connexion with lectures delivered at the Summer School at Kottapatnam.*

\* 76 Q.—DR. SIR K. V. REDDI NAYUDU: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government have withdrawn any pending criminal case or cases since the 15th of July 1937;

(b) whether the case against Mr. A. Kameswara Rao, pending in the Court of the Subdivisional Magistrate of Ongole, is one of the cases so withdrawn, and if so, on what grounds;

(c) whether the Government are aware of the evidence that was available to the Police in the case of Mr. Kameswara Rao;

(d) whether it is a fact that the evidence against Mr. Kameswara Rao disclosed that the subject-matter of one of the lectures delivered or to be delivered to the students of the Summer School at Kottapatnam was the preparation of bombs or how to make bombs;

(e) the reasons that induced the Government to interfere even before the entire evidence was adduced in and considered by the courts of law; and

(f) whether the Government have taken any undertaking from Mr. Kameswara Rao that he would not indulge in any subversive activities or in preaching sedition or in training students in the art of making bombs?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) The Government issued instructions to the District Magistrates concerned to withdraw, with the consent of the court, from the prosecution of—

(1) A. Kameswara Rao,

(2) Messrs. Muthuswami Pillai and Kandaswami Pillai.

“(b) The attention of the hon. Member is invited to Home Department G.O. No. 2925, dated 28th July 1937.

“(c) The Government are in possession of all the material points relevant to the case of Mr. Kameswara Rao.

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“(d) & (e) The hon. Member is evidently unaware of the nature of the case against Mr. Kameswara Rao. The Kottapatnam School of Economics and Politics was declared unlawful by the local Government at the time under section 16 of the Criminal Law Amendment Act but not on the ground that bomb-making was taught there. Neither the ground on which the Government based this order nor the allegation that bomb-making was taught was in issue in the proceedings against Mr. Kameswara Rao. The Government Order declaring the school unlawful was notified to the members of the school on the 20th of May 1937. The case against Mr. Kameswara Rao was that (a) on the 21st of May he was a member of this unlawful association and (b) that on the same date he managed or assisted in the management, or promoted or assisted in the promotion of a meeting of the Association.

“The Government were of opinion that in the circumstances and the new political situation created by their assumption of office, all the persons convicted for disobedience of an order in this case should be released and that the offence alleged to have been committed by Mr. Kameswara Rao on the 21st of May did not differ so materially in kind from the offence committed by those convicted before that as to justify discrimination in treatment.

“(f) The answer is in the negative.”

DR. SIR K. V. REDDI NAYUDU:—“With reference to answer to clauses (a) and (b), may I ask whether they have seen the evidence which the Police who were prosecuting the case were prepared to place before the trying Magistrate?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“The hon. Member seems to have missed the whole point of my answer. The prosecution was on the specific issue whether there was a disobedience of the order that had been lawfully issued. The only issue before the court was the disobedience of the order and I have given the reason why the prosecution was withdrawn.”

DR. SIR K. V. REDDI NAYUDU:—“I only want to know for independent information whether the Government have seen the papers to which I have referred.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I can assure the hon. Member that they have seen all the papers.”

DR. SIR K. V. REDDI NAYUDU:—“May I ask, Sir, whether they have seen the paper, which I know there is, regarding the reference in a student's note-book at that school about the preparation of bombs?”

MR. T. A. RAMALINGAM CHETTIYAR:—“On a point of order, Mr. President, may I know if it is open to any Member of the House to refer to matters which are not open to the other Members? Is it open to him to refer to matters which he might have come by as a Member of Government?”

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DR. C. RAMALINGA REDDI:—“May I point out that this is an interpellation by means of which any member who has a knowledge of a certain fact may elicit further information from the Government for the benefit of the less informed provided that it does not infringe the rules of the House?”

MR. PRESIDENT:—“The hon. Member is neither quoting from any official document nor is he a Government Member. The hon. Gentleman's question is whether the Government have seen certain specific papers which he has just now described.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I submit, Sir, that it would be wrong for me to give out the contents of the papers by way of an answer. But I have already stated that those papers have no bearing on the prosecution which has been withdrawn. The Government have also seen many other papers which are not relevant to the question of withdrawal.”

DR. SIR K. V. REDDI NAYUDU:—“The answer has just now been given that the question has no bearing on the point raised. Is it not a part of the defence of the accused that the order issued by the Government was *ultra vires*?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“No, Sir, that could never arise, because the order was duly published in the Gazette and there is no question of *ultra vires*.”

MR. K. MADHAVA MENON:—“In answer to (c) the Government state that they had all the evidence. Were they frightened by the evidence that they had that the heavens would fall?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I am not sure what the object of the question is, Sir, though there was a reference to heaven and other places.”

MR. K. MADHAVA MENON:—“In answer to clause (c), the Government have stated that they are in possession of all the material points relating to the case of Mr. Kameswara Rao. I was only asking whether the Government were frightened by the volume and nature of evidence against him.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I do not think that there is any question of fright arising out of that.”

MR. A. RANGASWAMI AYYANGAR:—“The charges with reference to violence and bomb-making were not contained in the earlier notification. May I ask, Sir, whether it was mentioned in a later communiqué only by way of an after-thought?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I cannot accept the assumption in the question. A reference to bomb-making was not made in the first notification but was made in a subsequent notification. It is not for me to answer whether it was an after-thought.”

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MR. K. MADHAVA MENON:—“ Does the Government think that learning to make bombs by itself is objectionable? ”

THE HON. MR. C. RAJAGOPALACHARIAR:—“ The mere knowledge may not be objectionable if it is acquired to stop bomb-throwing. But if the knowledge is for purposes of carrying on bomb-throwing, it is objectionable.”

*Remission of sentence granted to Mehrally and the grounds therefor.*

\* 77 Q.—DR. SIR K. V. REDDI NAYUDU: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the nature of the offence for which Mr. Mehrally was convicted and sentenced by the Magistrate at Calicut;

(b) whether the sentence awarded was confirmed in appeal by the Sessions Judge of Malabar;

(c) the sentence awarded to him by the courts, the period served by him and the portion remitted;

(d) the grounds on which the remission was based; and

(e) whether there was any undertaking taken from Mr. Mehrally that he would not again deliver in this Presidency lectures of the kind he delivered at Baliapatam and other places in the Malabar district, or that he would not deliver seditious speeches in this Province?

THE HON. MR. K. RAMAN MENON:—“ (a) He was convicted and sentenced under the second part of section 188, Indian Penal Code.

“ (b) The answer is in the affirmative.

“ (c) He was sentenced to six months' simple imprisonment. He was imprisoned for 21 days. The unexpired portion of the sentence was remitted.

“ (d) He was released in pursuance of the general policy of Government in releasing persons convicted of offences connected with political movements whose being at large at present is not likely to become a source of danger to public peace.

“ (e) He was released unconditionally.”

3-15 p.m. DR. SIR K. V. REDDI NAYUDU:—“ May I know, Sir, if the offence consists in disobeying the order of the magistrate, wherein does politics come in? ”

THE HON. MR. K. RAMAN MENON:—“ The offence consists in disobeying the magistrate's order and delivering a lecture.”

DR. SIR K. V. REDDI NAYUDU:—“ My point is this. I am asking, when the order of the magistrate which has not been disturbed or revised by a higher court as unfair has been disobeyed, what is the principle on which such persons can be released.”

THE HON. MR. K. RAMAN MENON:—“ The disobedience of the order constituted an offence of a political nature and so Government released him.”

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DR. SIR K. V. REDDI NAYUDU:—“ May I understand thereby that whenever a politically-minded gentleman does something and the magistrate orders thereafter that he should not do certain things, the mere fact of the speaker being a politician and the subject, a political subject, is a sufficient reason for setting aside the order of the magistrate? ”

THE HON. MR. K. RAMAN MENON:—“ If the circumstances warrant such action on the part of the Government, Government are prepared to do it.”

MR. K. MADHAVA MENON:—“ Was the order passed on the basis of the fear of breach of peace? ”

THE HON. MR. K. RAMAN MENON:—“ Yes, when breach of peace was apprehended.”

MR. K. MADHAVA MENON:—“ Was there any danger to public peace after the release of this person? ”

THE HON. MR. K. RAMAN MENON:—“ There was none so far as I know.”

*List of prisoners released from 15th July 1937 whose sentences were remitted, and the grounds therefor.*

\* 78 Q.—DR. SIR K. V. REDDI NAYUDU: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the names of the prisoners released since 15th July 1937, before the expiry of their full term of sentence;

(b) the nature of the offence for which each of the prisoners was convicted;

(c) the sentence awarded to each of the prisoners by the courts;

(d) the period served by each of the prisoners;

(e) the portion of the sentence remitted in each case; and

(f) the grounds in each case on which the remission was based?

THE HON. MR. K. RAMAN MENON:—“ (a) to (f) A statement<sup>a</sup> giving the information required for the period from the 15th July to 1st September 1937 is placed on the table. About 70 prisoners have been released subsequently under the Advisory Board scheme, and under the fourteen years' rule. Full details in respect of these prisoners have not been collected in view of the time and labour involved in the collection? ”

DR. SIR K. V. REDDI NAYUDU:—“ May I know, of these, how many are political offenders? ”

THE HON. MR. K. RAMAN MENON:—“ Nearly forty.”

DR. C. RAMALINGA REDDI:—“ May I know whether other than politically-minded persons, prisoners who were convicted of offences were released under the Advisory Board scheme also? ”

<sup>a</sup> Printed as Appendix II on pages 331-334 infra.



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THE HON. MR. K. RAMAN MENON:—"Yes, Sir. On the advice of the Advisory Board, which went into the question, all these other prisoners were released."

*Utilization of accumulations of railway cess for the construction of bridges, roads, etc.*

\* 79 Q.—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Local Administration be pleased to state—

(a) how many new roads, bridges and causeways, etc., have been constructed out of the fund accumulated by the railway cess in South Kanara; and

(b) whether the Government received any estimate and demand for any culvert or causeway by any village panchayats in South Kanara; if so, whether the Government have taken any steps to direct the attention of the District Board to finance such panchayats from the accumulated fund; if not, what other steps are taken to meet such demands?

THE HON. MR. B. GOPALA REDDI:—" (a) The Railway Cess Fund of the South Kanara District Board has been utilized for the construction of the undermentioned bridges—

- (1) Bridge over Dhulihole stream at mile 0/8 of Someshwar-Koteswar road.
- (2) Bridge over Golihole stream in mile 3/4 of Someshwar-Koteswar Road South.
- (3) Bridge over Bangramanjeshwar river in mile 11/8 of Coast Road South
- (4) Bridge at Punjalakotta on trunk road No. A/22.
- (5) Bridge over the Kumardhari river.
- (6) Bridge over the Vasrehole.
- (7) Bridge over the Halkal.

" (b) The Government have not received any such applications from panchayat boards. The Railway Cess Fund of the South Kanara District Board has been exhausted."

*Languages spoken in South Kanara and official vernacular recognized in the district for educational purposes.*

\* 80 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Education and Legal Departments be pleased to place before the House a statement showing the various languages spoken in South Kanara, the number of people speaking each of them and the languages among them recognized as official vernaculars for educational purposes and to state—

(a) on what grounds Kanarese is treated as an official vernacular; and

(b) whether the Government have a scheme for making the study of Hindi compulsory in schools and if so, to what extent?

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THE HON. DR. P. SUBBARAYAN:—" (a) The attention of the hon. Member is invited to Table XV of Imperial Tables contained in Part II of the Madras Census Report for 1931. No official vernaculars have been prescribed for educational purposes in any particular territorial area.

" (b) The Government are giving attention to the matter."

### UNSTARRED QUESTIONS.

*Methods of disposal of nightsoil and other refuse in municipal towns in the Presidency.*

37 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state—

(a) the various methods that are adopted in Madras and other municipal towns in this Presidency for the disposal of their nightsoil and other refuse;

(b) whether the attention of the Government has been drawn to the lecture delivered by Mr. Gilbert Fowler of Bangalore at a meeting of the Rotary Club, Madras, on 19th March 1937, reported in the *Hindu* of 20th March 1937, on the subject of "The Wasted Wealth of Madras";

(c) whether what is called the "Activated Sludge Process" has been tried by municipalities or any institution under the Government;

(d) whether Government have ascertained whether it has been tried with success in any other province or Indian State; and

(e) what steps the Government have taken or are going to take in order to experiment for the purpose of converting sewage into fertilizers or for advertising the successful experiments for the enlightenment and guidance of municipalities and the public?

A.—(a) Nightsoil is usually disposed of by trenching and rubbish by sale for use as manure. In some instances, rubbish is dumped in low-lying places to reclaim them. Poudrette is sometimes prepared from nightsoil and rubbish and it is a valuable manure. In towns with a sewerage system, the nightsoil is also washed down into the sewers. Part of the rubbish in Madras city is incinerated. Sewage and sullage in towns, where there are drainage schemes, are usually disposed of by sewage farming.

(b) The Government have perused the report of the lecture delivered by Mr. Gilbert Fowler.

(c) "Activated Sludge Process" is being tried on a small scale in the Agricultural College, Coimbatore. It has not been tried in any of the municipalities.

(d) The answer is in the negative.

(e) Experiments have been going on with the activated sludge plant at the Agricultural College, Coimbatore. The dried sludge has been found to be a concentrated fertilizer of high manurial value while irrigation of paddy with the effluent after seedlings had established themselves has been found to produce highly satisfactory

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results. No propaganda has been done among the ryots about this as the plant is expensive and experiments are still under way. The plant at Coimbatore with its equipment costs Rs. 85,000. Besides, experiments for conversion of nightsoil into poudrette were conducted at the Central Farm, Coimbatore, and the Agricultural Research Station, Anakapalle. The results have been published in the form of a leaflet for the benefit of the ryots and municipalities.

*Number of Muslim Superintendents in the Secretariat and promotion of upper division clerks as Superintendents.*

38 Q.—KHAN BAHADUR V. HAMID SULTAN MARAKKAYAR: Will the Hon. the Prime Minister be pleased to state—

(a) how many Superintendents are working in each department of the Secretariat at Fort St. George and how many of them are Muslims;

(b) whether the appointment to the said post of Superintendent is made by promotion from the post of upper division clerks in the Secretariat and not by direct recruitment; and

(c) whether the said promotion from the cadre of upper division clerks to that of Superintendent is made on grounds of merit and not on those of seniority alone?

A.—(a) A statement \* is laid on the table.

(b) There is no direct recruitment to the post of Superintendent in the Secretariat. Appointment to the post is by promotion from the category of upper division clerks in the Secretariat.

(c) Superintendents are a selection category. Promotion is made on grounds of merit and ability, seniority being taken into account when merit and ability are approximately equal.

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

## II.—MESSAGES FROM THE ASSEMBLY *RE* MADRAS PROHIBITION BILL, 1937, AND MADRAS LOCAL BOARDS (AMENDMENT) BILL, 1937.

\* MR. PRESIDENT:—“I have to announce to the House that the following message, dated Chepauk, the 27th September 1937, has been received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

‘In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Prohibition Bill, 1937, as passed by the Assembly on the 27th September 1937 and signed by me, for the concurrence of the Council.’

“Further, I have to announce to the House that the following message, dated Chepauk, the 28th September 1937, has been received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

‘In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Local Boards (Amendment) Bill, 1937, as passed by the Assembly on the 28th September 1937 and signed by me, for the concurrence of the Council.’”

\* Printed as Appendix III on page 335 infra.

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## III.—MOTION FOR SUSPENSION OF RULE 17.

THE HON. DR. T. S. S. RAJAN:—“Mr. President, Sir, I move that rule 17 of the Madras Council Rules be suspended and the House do resolve to transact Government business on Wednesday, the 29th September 1937.”

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—“May I know whether it is the intention of the Government to allot any other day for the transaction of non-official business?”

THE HON. DR. T. S. S. RAJAN:—“On account of the rush of Government legislative business in this session I am afraid a non-official day may not be possible. Of course, it was the intention of the Government to allot a day, and in fact, a day was allotted, and resolutions were balloted. But I find now from the pressure of legislative work on hand it may not be possible to allot one day in this session.”

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—“At least will the Hon. the Leader of the House tell us when we are going to meet next?”

THE HON. DR. T. S. S. RAJAN:—“Some time early in January.”

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—“Then may I take it that they will allot days in January next for non-official business?”

THE HON. DR. T. S. S. RAJAN:—“Yes, I may assure the hon. Member that a day will be allotted in January next for non-official business.”

DR. SIR K. V. REDDI NAYUDU:—“I do not exactly understand the point of view of Government, and so I would like to ask them a question. The Hon. Minister has not told us why to-morrow should not be given for non-official business. No doubt I heard him speak about some Government business, some Bills which are really to come up before the House. Sir, unless the Bills are as urgent as the Prohibition Bill, which is to come into effect on the first of October next, and the Bills Government want to introduce could not wait for a day or two, I fail to see why the day originally allotted for non-official business should not be retained. The Hon. Minister has not told us what Bills he is going to introduce and whether they are of such urgency as to need a change in the programme.”

\* THE HON. MR. C. RAJAGOPALACHARIAR:—“The Bills that have been passed by the other House and which have to be taken up here are the Prohibition Bill, which is now before the House (A voice: ‘Which will shortly be before the House’) and the Regulation of the Sale of Cloth Bill. There is also the Local Boards (Amendment) Bill, and these three Bills will take some time.”

DR. SIR K. V. REDDI NAYUDU:—“What is the second Bill please?”

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THE HON. MR. C. RAJAGOPALACHARIAR:—"The Regulation of the Sale of Cloth Bill. These three Bills will have to be got through. If the point raised by Sir K. V. Reddi is that non-official business which is put down for to-morrow is more urgent than the Bills which have been passed by the other House and cannot wait, I submit Government take a different view in regard to this matter. As regards non-official business that has been allotted for to-morrow, Government will have to consider that also and take action if at all that non-official business is to have any use. Government therefore request that the House may be pleased to allot to-morrow for the completion of the business already finished by the Assembly and that when they meet in January next, Government give the assurance that non-official business will have ample time. If there is no other specific ground of objection besides this for the postponement of the business, Government fail to appreciate it. Sir, it is also the practice, as far as my knowledge goes, even in the House of Commons, that when Government are pressed for time for the transaction of official business they appeal to the other side for the postponement of non-official business and they readily accede to it. After all, Sir, Government business is as much the business of the people as non-official business."

DR. SIR K. V. REDDI NAYUDU:—"Sir, in spite of the unkind remark by the Prime Minister that we consider non-official business is more important than official business . . ."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I made no unkind remark. I only said that, if the Opposition have no specific ground of objection for the postponement of non-official business besides the contention that they consider non-official business to be more important, Government could not accede to their request."

DR. SIR K. V. REDDI NAYUDU:—"My point still remains. We admit that official business shall be given preference to non-official business; but where and how the contingency arises, by which non-official business is altogether to be eliminated as it would be in this case—because I assume that if this Wednesday is to be given up there would be no other Wednesday available—I fail to see. After all, Sir, it may be some inconvenience will be caused to Government, some loss of time, by the postponement of official business. And the question of inconvenience is one based largely on one's judgment or decision. Apart from the question of decision or judgment, I think that some concession should be shown to the Opposition by allowing the debate put down for to-morrow, especially when that date has already been allotted. Take, for instance, Sir, the Local Boards (Amendment) Bill. Where is the urgency with regard to that? I can understand the urgency of the Prohibition Bill; and nobody would suggest that it should be postponed. I can understand the importance of the second Bill, because it has some remote connexion with Prohibition. It is practically perhaps for getting some more income of about two lakhs of rupees to make up for the loss

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of four lakhs or ten lakhs of rupees from Salem. But with regard to the Local Boards Bill, I fail to see any urgency. Cannot that be postponed till January? Government may consider it to be more important than we on this side consider it. At the same time I want to impress on the other side the elementary principle that non-official members should be allowed some chance of placing their business before the House. When these two are combined I remain unconvinced."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"The specific question that has been raised by Sir K. V. Reddi in his speech is whether the Government think that the Local Boards (Amendment) Bill is urgent and more important than the non-official business put down for to-morrow. Government do consider the removal of the nominated members from the various local bodies important and the amendment is with reference to that."

MR. J. A. SALDANIA:—"May I enquire whether it is not possible or permissible to change an official day into non-official day? For instance after finishing the official business day after to-morrow can you not get on with the non-official work on Friday?" 3-30 p.m.

THE HON. MR. C. RAJAGOPALACHARIAR:—"That may be considered, Sir."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"May I ask Mr. President whether it is not possible to have non-official business after finishing the Government business or have a night session after 5 p.m. as they did the other day in the Assembly?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"Certainly it is possible. Once the official Bills are finished, if there is time enough we will consider."

\* DR. C. RAMALINGA REDDI:—"I do not know, Sir, why we are considering this question with a distinction as Government days or private members' days even though by mistake they may be sitting on the other side. As regards the relative importance of private members' Bills and Government Bills and resolutions, I think it is the custom, if I may say so, all over the world that the Government Bills and motions shall take precedence, for this reason that matters are ready for action and therefore the Government would bring their Bills whereas in the case of private Bills they are mere recommendations to the Government."

THE HON. MR. C. RAJAGOPALACHARIAR:—"It depends upon the nature of the Government (laughter) and the nature of the recommendation."

DR. C. RAMALINGA REDDI:—"The more popular the Government the more autocratic they have to be." (Laughter.)

THE HON. MR. C. RAJAGOPALACHARIAR:—"The more official the opposition the more difficult it will be to settle matters."

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DR. C. RAMALINGA REDDI:—"Well, I congratulate the Hon. Minister on his official opposition which is more quiescent than ever known in the history of legislatures. I rather think that the Government have to get through a large volume of business. There is one point, however, I would invite the attention of the Hon. the Prime Minister to. It may be that some private member's resolution also is reasonable and may involve financial consequences; and I would rather wish the Prime Minister to take up such things in order to enable the Prime Minister to consider the desirability of including them in the next year's budget. If in the January meeting it will be possible to consider these resolutions and include the proposals in the budget I think they ought to be satisfied."

THE HON. DR. T. S. S. RAJAN:—"I think we have given the assurance."

The motion was put and carried.

#### IV.—MESSAGE FROM THE ASSEMBLY *RE* MADRAS REGULATION OF THE SALE OF CLOTH BILL.

\* MR. PRESIDENT:—"I have to announce to the House that the following message, dated Chepauk, the 28th September 1937 has been received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

'In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Regulation of the Sale of Cloth Bill, 1937 (L.A. Bill No. 2 of 1937) as passed by the Assembly on the 28th September 1937 and signed by me, for the concurrence of the Council.'

#### V.—THE MADRAS PROHIBITION BILL, 1937.

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"I move, Sir, that the Bill<sup>a</sup> entitled 'a Bill to introduce and extend the prohibition of the manufacture, sale and consumption of intoxicating liquors and drugs in the Province of Madras,' that has been passed in the other House be taken into consideration in this House in spite of rule 104 which I ask may be suspended."

\* RAO BAHADUR M. RAMAN:—"With your permission I wish to make a few observations on the Bill just now placed before the House. I may at once say that I oppose the Bill. It is my firm belief, Sir, that the objects intended by this Bill, viz., the improvement in the moral condition and material prosperity of the people will not be attained. I think, Sir, that the remedy will be worse than the disease. The suppression of boils will give rise to many more. Even so suppression of drink will lead to evils which are more injurious to mind and body. Drink is an immemorial practice with the Hindu. The Hindus who read the Puranas are familiar with the lives of Gods and great men who freely indulged in drink. I know of two temples in my place one of which is dedicated to Goddess. There the Brahman priest offers

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toddy and the toddy is brought every morning with great ceremony. There are several other minor deities and temples where toddy figures largely in the worship of God. Moreover, Sir, according to the Hindus toddy is an object of good omen. Out of 22 objects of good omen mentioned toddy heads the list. It even precedes the "Two Brahmins" who come out only fifth in the list. Therefore I say Hindu religion never prohibited drink nor was it recent or confined to one class. Drink habit has come down to the people through proper religious source. Brahman priests freely used it in yagas and worship. The very name of Bhusura for Brahmins indicates their free association with it. Religion thus supports drink and it was in vogue in all the Yugas including the Kaliyuga. That is why Hindu does not hate drink nor does he consider the income from drink as tainted money. To-day drink is a poor man's drink and food and that is why it is looked down upon by others. The rich man will get his drink going once a week to Pondicherry in his car and it is the poor man that has to suffer. Toddy drink is a poor man's drink. In the West Coast doctors prescribe toddy for whooping cough for babies. As in everything good and bad there is at times excess in drink. Because some persons may drink much, there is no reason why a large percentage of moderate men should be prevented from taking what they are accustomed to. It is not right or just to interfere with individual liberty to that extent. A great Indian politician seems to have said freedom includes freedom to commit mistakes. I think it includes freedom to do what one likes without interfering with others. We are not dealing with an individual but with a whole people. Their freedom to act must be respected. It is extremely easy for Government to close shops, stop drink and prevent excise revenue to the extent of 4½ crores from getting into the Government treasury. It is not so easy to stop drink. With a very large army of preventive staff costing nearly 35 lakhs it might partially stop. But human psychology will be such that it will be very difficult to stop it. Of course crimes will increase and punishments will be many. People will be going to jail. There will be regular confusion and nothing good will come out of it. In a land where Sankara and Ramanuja and hundreds of holy Saiva Saints lived as teachers of mankind I do not think drink would have remained if they thought that prevention was possible or necessary. The present legislation is neither practicable nor necessary. Such an important legislation on a subject which is of great importance to the work people is rushed through without giving time to the legislators to take any intelligent interest. I got the Bill this morning at 10 o'clock. There is hardly time to go through the sections. That is why I must strongly protest against the way in which we are treated. We are rushing through this Bill. Where is the hurry, Sir, when the drink has been there for centuries? That the ryot would save the money which otherwise he would spend for drink is absolutely a false hope. He is sure to go to get some other substitute and as we know from the experience of other countries the substitute is likely to be more injurious and harmful. Even if they take mere tea, the

<sup>a</sup> Printed as Appendix IV on pages 336-357 infra.

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inoffensive tea, even that will cost more than toddy. Under the present condition of Indian society labourer does require some sort of drink. He wants some kind of social freedom to move and mix with people. Now he cannot really mix with other social groups. So in the present condition of society unless they turn into Mappillas of Malabar who have got the democratic spirit of moving freely it is impossible to stop drink. Somebody wrote in the papers that a convert to Islam does not drink and that is because as soon as he is converted to the democratic religion people treat him with equality and he is allowed access to all classes and mix together. Hindu labourers have no such social life. So what ought to have been done is to prepare the society before the legislation is introduced. As fish is used to catch fish, toddy should be used to stop drink. Utilize the money from excise revenue for compulsory education and teach the children to hate drink and in 15 or 16 years they might see that they do not drink. The result of this legislation on finance is very serious—a loss of four and a half crores of revenue besides 30 to 35 lakhs for preventive staff. Although they do not need it just now they will find need for it in a month or two.

3-45 p.m. “Sir, in order to recoup the fall in excise revenue, surely we will require fresh taxation, but people whether they are rich or poor are hardly fit to bear any fresh taxation, unless their economic condition improves very considerably. If you take the case of Malabar, I know that the janmis of Malabar are not at all wealthy as some people think, but they are suffering owing to very heavy land-tax and by the general depression and they are really very very miserable and they cannot bear any further taxation. Then, Sir, what about the fate of a large number of tappers? It will be a disaster if these healthy and strong men are to be suddenly thrown out into idleness and starvation. Unless they are employed otherwise, there will be a danger to society. The idea seems to be that they can prepare jaggery, but jaggery will not pay even one-sixth of the income which they used to derive from tapping toddy, speaking only from the point of view of their finance. To construct sugar factory, Sir, I fear it may take some more years; and after all even if this is done, the benefit will not go to the tappers, but to some other people and in the meanwhile all the tappers would have died.

“There is also the fate of the land-owners to be considered, I mean the fate of the land-owners who have sunk tons of money into coconut plantations. Moreover, Sir, now in regard to coconuts there is keen competition because copra is being imported into this country from outside. So, Sir, the springing of such a legislation suddenly on these people, would deprive them of a large income that they would otherwise get. For these reasons, I oppose the Bill.”

\* MRS. MONA HENSMAN:—“It is with great diffidence, Mr. President, that I rise to speak in this debate. I do not wish to be classed as one who opposes the Bill that is now before the House, but I wish to

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be classed with those who feel that the urgency of the matter may not be so extreme just at this time, for the following reasons. It is a matter of great congratulation that our Government should have put forward a Bill of this sort. We all see visions, we all dream dreams and if it be possible that at this time this Bill could be passed into law on the 1st of October 1937, the millennium could be ushered in, we women, the women of this country, would be the first to welcome a Bill of this sort. It is the women who are not perhaps so much given to drunkenness, but it is the women who suffer from the drunkenness; and not only our pockets but our lives would be made much happier if this Bill could be passed into law immediately. But, being women, women feel there is a policy of caution in this world. It takes time even for the noblest man that has lived, to be born and to open his eyes into this world. It is the woman who has to treasure and watch for and prepare the life before it comes into the world. In the same way, if nine months is needed for the greatest of statesmen to be born in this land of ours where we live more in eternity than in time—for surely our unpunctuality is due far more to our spiritual idea of eternity than to the common exigencies of time—we would feel that perhaps consideration in matters of education, or perhaps propaganda, is by far the best means of preparing the way for such a Bill as this.

“Now, there is a great force of example. We all know that over twenty years ago, when there was a Great War in this world, a monarch of one of the leading nations of the world gave up drink and in his own household did not offer it, did not take it himself, because his soldiers were fighting for a cause. Surely, an example like that did a great deal at that time; and if we, who think that we have education and those of us who feel that we have the better way to patriotism and nationalism, if we could lead and abjure these temptations in our own houses and not ask for licences of Rs. 10 or Rs. 20 or whatever it is going to be, and if we could banish from our gates these temptations, would it not be a matter of, for example, the poorer man to come in and to enter into this heritage?

“Then there is another thing, Sir. It is true that Government does not wish, and no Government in this world could wish, that money should be put into their pockets from the pocket of the poor man; but if one anna of toddy or one anna in a night is so saved, are we sure that that money is going to remain in the pocket of the poor man? Even if the committee that is going to be constituted operates faithfully, (however wonderful it may be, the members are but human after all), are you sure that there will not be a drain of two annas in the night elsewhere, or that the poor man is not going to spend his money on gambling or in some other way? It is a great consideration that certainly human nature cannot be altered; we all know it. Though we hope for the best, and we are apparently aware that from the 1st of October we are ushering in the beginning of a great time, a new freedom and a new state, a new creation, surely it would be better to assist the poor man first—by assistance, I mean giving him something else to do,

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giving him some other interests. Already we have heard from the previous speaker that the money taken from excise could be used on primary education, for improving literacy and for letting people have some other outlet than for meeting together for gossip and other things; that will be something achieved. But there are many other ways of assisting him. For instance, in the case of the Sarada Act, you are aware, Sir, if we have had to give intimation against anybody who was about to perform a marriage, we had to deposit a sum of Rs. 100. Here, you have clause 32, according to which, any man may be arrested without any warrant by a person authorized to arrest him, and of those who are going to be arrested, 80 per cent may be merely cases of distillation and people who are actually prevented from drinking will probably be only 20 per cent. I am taking it optimistically and those cases may be cases of people who are after all innocent. While I know that clause 8 does guard him, clause 8 has the wonderful power of protecting those who have already been assaulted and taken to jail and whose houses have already been entered into and whose women and children have already seen their men being dragged away. That is the difficulty. Clause 8 is a wonderful clause, but it comes too late after clause 32 has been in operation first.

“ Finally, Sir, comprehension is better than compulsion in every grade of society. We know that those who are on the Government benches have suffered and have won through the struggle, but may we ask of them a little consideration for those who are going to be in the same position as they formerly were in, for those who have not got the power to engage lawyers to defend them and who will not have the power to save their women and children from seeing sights that we would not like to have our own women and children see. There will be terror by night, for distillation generally takes place only at nights, arrests take place at nights as is the case in all parts of the world. But we do hope there will be a power for protection as well and if we could have a little more time and if we can have little more of the assistance of argument for dealing with the various provisions of the Bill, if we are given all these things, I submit, Mr. President, that this Bill would be more powerful, more wonderful and more helpful as a national improvement and as a signal of freedom for the future.”

\* SIR FRANK BIRLEY:—“ Mr. President, Sir, I would not have you think I am so far away from the realities of the situation as to imagine that anything that I can say with regard to this Bill is likely to affect its passage through this House. However, one of the most important functions of this House is, I think, to prevent or perhaps to endeavour to prevent the passing into law of hasty ill-digested legislation and for that reason, I feel constrained to voice such misgivings as I have with regard to this Bill.

“ Sir, I am free to admit that from one aspect at least, this Bill does not come within the category of hasty legislation. I say this because prohibition is perhaps one of the oldest controversial subjects under the sun. I suppose it has been discussed *ad nauseum* and *ad*

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*infinitum* for more years than I can remember and I think the result of the controversy is the general consensus of opinion that drink is an evil, an evil to be eradicated by any means and I think it is generally accepted that the end justifies the means. So much then for the ethical side of the case. But I cannot say that I am wholeheartedly opposed to the Bill, the object of which is the eradication of an evil. On the other hand, Sir, I have serious misgivings, with regard to the financial implications involved, unfortunately that there is no special dispensation of providence which will shield an individual or a Government which is imprudent, in spite of the fact that the reasons for such imprudence are perfectly good. Let us, if you will allow me, Sir, presume the case of an hypothetical individual who wishes to build a temple because he thinks it is a very good thing to have one and let us assume that he thinks the temple will cost him a lakh of rupees and that his resources are limited to four annas. In spite of the obvious ethical righteousness of his scheme to build a temple, for there is nothing wrong in building a temple—it is obviously a righteous thing to do—in view of his financial position his project is an imprudent one; it is almost a reckless one; and perhaps his friends would advise him to consider and defer the materialization until such time as he is able to increase his income and his capital resources were equal to the strain that would be put upon them if he decided to continue to build the temple by spending a lakh of rupees which he has not got.

“ But, Sir, I am addressing a discerning audience and I feel that they have already recognized the analogy of my hypothetical individual with a Government which is so imprudent as to jeopardise a large proportion of the income of the Presidency for a cause which, however righteous it may be, is none-the-less imprudent. With these few words I resume my seat; and I have nothing more to say except that I wish the Bill the best of luck.”

\* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:— 4 p.m.  
“ Mr. President, I associate myself very cordially with the principle of the Bill. Let me hasten at once to say that as a Muslim I give the Bill my unqualified support. The Hon. the Premier in the course of the Budget statement told the House that the Government had decided to introduce prohibition. That statement was endorsed by almost the whole House and it is a matter for congratulation that the Premier has brought in this Bill before this House so early as this in spite of the strenuous Budget Session. My hon. Friends, who did not actually oppose the Bill, pointed out certain difficulties and urged that we should go on doing a lot of propaganda and by working on such lines they hoped somehow or other that prohibition would become a reality. I should like to remind them that there has been so much of propaganda for the last 60 or 70 years and nothing has been done and nothing can be done if we go on like that even after a century. Prohibition will be merely a dream. There is no use of saying ‘Let us go on slowly and leisurely.’ If we do so, nothing will be achieved even for



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a hundred years. The hon. Member representing the European community did not oppose the Bill but only pointed out certain shadowy difficulties. But things have to be done immediately if you want to see the evil eradicated. I may point out to you, Mr. President, that every important political party in this country has adopted prohibition as its policy. I therefore think that it is only right and in the fitness of things that we should give our wholehearted support to this Bill."

MR. D. MANJAYYA HEGDE:—"Mr. President, it is my duty to support the Bill. It is an important measure which will improve the economic condition of the poor classes in this province. Notwithstanding some loss of revenue, this Bill ought to be extended from district to district until prohibition is fully established. This measure is long overdue. Though for the present the scheme is to be tried in one district, I am sure it is to have far-reaching effects in other parts of the province. There is some objection to the Bill on the ground that such a scheme was a total failure in America; it is worthwhile to point out that that country is a cold country and the people do not think it wrong to drink. We, people in the hot countries, do not require such drinks and further the majority of the people, whether they are Hindus, Muslims or Christians, are opposed to drink. So, there is much hope of the success of the scheme. I see that some people object to it on narrow religious grounds. But a measure such as this, which will conduce to the well-being of those in low economic position, should not be opposed on these grounds for I submit that the majority of the people do favour and welcome it. I support it on the ground that it will bring about the material prosperity of the people."

\* MR. J. A. SALDANHA:—"From one point of view, I welcome this Bill because it means the abolition for good of the Abkari department, the most oppressive, the most condemned and the most denationalizing of all departments. That department has denationalized one of the most important and wealth-producing of our industries and has retarded the development of liquor from such things as cashew fruits, coconut and such other things as are readily and easily available here. It would have produced so much of wealth."

"During my election campaign in connexion with Legislative Council my election stunt was 'Swaraj.' My Catholic electors asked me whether I could get them 'Swaraj'—Swaraj as to the liquor industry. One can understand their demand seeing that they had a tradition of three hundred years of free production of liquor of which they were deprived. I promised them 'Swaraj' with the abolition of the Abkari department. But what do we find by the transition from the abolition of the Abkari department to Total Abolition Scheme? I am not going to cover the ground covered by other speakers. What I would say is that we are falling from the frying pan into the fire. We shall have a reign of terror. I may go to a friend who has got the liberty to drink and may get a peg of liquor. For this sin, I may be arrested and taken to the Police station and punished in a court of law. What horrors we have in prospect! Not only that, the Catholics of South Kanara

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are the greatest illicit distillers in the Presidency. What if they will defy the orders and begin a civil disobedience movement? They will not shirk going to jail, now that the jail life is made more comfortable. Instead of giving the people permission to make their own liquor and freedom under Swaraj, the Congress Government brings about a complete destruction of the rights of individuals and the wholesale demolition of a big industry. Take the hint I am giving you and encourage this industry; our people will become more wealthy and healthy with the drink of genuine liquors, paying more of excise tax. I say it will be possible to give, not a 15 per cent remission in land taxes, but a 50 per cent reduction; but increase the excise revenue by 100 per cent. If I were the Minister in charge of Excise I would much rather venture upon a more sure means of increasing the prosperity of the country than venture upon this doubtful scheme of total prohibition, which, whatever may be said of the money that you leave in the hands of some cultivators or labourers, leaves the Government the poorer by 5 crores of rupees per year and the people deprived of a wealth-producing industry and large field for labour. My sympathies with the Congress are very strong; but with all that, I consider this is not the way to bring about prosperity among the labourers. I know that this subject is one that they have been cherishing for the last so many years. I know that Mahatma Gandhi holds it very close to his heart. But I ask 'Are the Mahatma and the Premier going to lead a spiritual movement? Are they going to bring about a spiritual revolution in the country? Have they brought it about?' Then only can one foresee some prospects of success for the scheme. Is such a spiritual revolution possible? So many great men have tried it and failed. I, for my part, say that it is a great blunder, a Himalayan blunder, and one which may bring about the fall of the Congress Government. I hope that the Congress is not heading for a fall. I do not wish it; but all the same, I sound a note of warning to the party to beware of the difficulties of the mad venture and to take into consideration the alternative scheme of enriching the country which is far easier of accomplishment by giving the people 'Swaraj', Swaraj as to production and marketing of liquor as in Great Britain and other civilized countries which create a big wealth and health-producing industry from liquor as well as an ever increasing source of revenue, highest in Great Britain after income-tax."

MR. K. MADHAVA MENON:—"Mr. President, I was rather surprised at the arguments of my hon. Friend, Rao Bahadur Raman, in opposing this Bill. He betrayed a defeatist mentality by saying that he opposed the Bill because he had doubts about the success of the measure. I wish he had a little more faith in himself and had taken some faith from his leader, Dr. Sir K. V. Reddi, who had so much faith in himself that he thought that the King's Government cannot go on without him. I wish my hon. Friend had such faith in himself."

"His argument was based upon the fact, or rather what he considered to be a fact, that many Hindu Gods drank. I am afraid that

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it my hon. Friend could do all that the Gods could do, he could also drink. I have no objection to it. May I request him not to compare people with Gods!"

4-15 p.m. RAO BAHADUR M. RAMAN:—"On a point of personal explanation, Mr. President, I never compared myself to God. I only said that even Gods are fond of drink."

MR. K. MADHAVA MENON:—"Well, Sir, another argument which Mr. Raman adduced was that the ordinary labourer wants some drink, and you should not stand in his way of having a drink. Sir, it is a very fallacious argument. I may tell my friend that I too had something to do with labour; and I may also inform the lady member of this House that she is also wrong in thinking that there would be considerable harassment of the wives of the labourers if the labourers are not given a drink. On the other hand the actual and real fact is that the womenfolk of the labourers feel very much better if their husbands go without a drink, as they are saved from beating and thrashing."

\* MRS. MONA HENSMAN:—"On a matter of personal explanation, Sir, I did not say that the womenfolk of the labourers welcomed their husbands drinking, as without it they would be subjected to beating. I said it just the other way; if the husbands do not drink the wives are saved from a beating. Therefore the women would welcome this Bill."

MR. K. MADHAVA MENON:—"I am sorry I misunderstood her. I had the good fortune of picketing toddy shops, and we explained to the wives of the labourers to discourage their husbands from drinking, and this appeal had the desired effect. And when next we saw them they expressed in unmistakable language their gratefulness to us for our work, as it saved them a good deal of beating in the evening."

"Then, Sir, it was suggested that this thing should be done slowly and leisurely. I say chronic diseases require desperate remedies, and such things can never be done slowly; it has to be done by a revolution."

\* MR. S. J. GONSALVES:—"Mr. President, Sir, I desire to say a few words on the ethical side of the main question involved in this Bill. I feel that total prohibition offends the elementary instincts of human hearts. Total prohibition cannot be defended either on moral or ethical grounds. Drinks, alcoholic or otherwise, are among the gifts that Providence has placed at the disposal of man for use by him according to the dictates of right reason. Man is a free being with the right to map out his line of action. Drink in itself is not bad, and that has been admitted by the Prime Minister."

THE HON. MR. C. RAJAGOPALACHARIAR:—"It would be dangerous for the hon. Member to circulate a statement that I have admitted that drink is not bad."

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DR. C. RAMALINGA REDDI:—"How dangerous? Is the Hon. Prime Minister going to have him arrested?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"But I have already arrested him by making him sit."

MR. S. J. GONSALVES:—"Anyhow, I feel drink in itself is not bad. Drink in moderation is not bad; drink taken in excess is bad. If drink in itself is not bad, we must consider whether a practice which is not bad in itself can be prevented by Government simply because some people abuse that practice. I submit, Sir, that action on the part of the Government, for preventing drink in moderation also, simply because some people abuse the right of drink, is not fair or just. For while compelling the drunkard to give up his evil habit, does it not prevent a moderate man from having a moderate drink? Is it right to do this? Does this not unduly interfere with the fundamental right of human freedom? I feel legislation has no right to unduly interfere with human freedom."

\* MR. M. NARAYANA RAO:—"Sir, coming as I do from one of the Ceded districts, I would be failing in my duty if I did not congratulate the Hon. the Prime Minister on his prompt action in introducing this Bill. Sir, the excise revenue which Government get from the Ceded districts is almost the same as the land revenue from those districts. This shows the appalling extent to which the people of the Ceded districts have taken to drink, and therefore it is high time that prohibition is introduced in those districts. Further, Sir, we feel that, with the introduction of prohibition, crime which is so rampant in our districts would go down and that the people would be happy. As you know, Sir, the Ceded districts are always subjected to frequent famines, and consequently people suffer very much. In 1935, Government had to spend as much as eleven lakhs in Anantapur district for relief works such as construction of roads and tanks, etc., and about eighty thousand rupees were spent as relief to the people. There is a portion of my district, about nine villages in Anantapur taluk, inhabited by a particular class of people, and this area has already been declared a dry area, thanks to the indefatigable and untiring energy of one Mr. Tarimala Subba Reddi. For the last ten years, due to the popularity and influence of this gentleman the people in these nine villages are free from drink and they are happy. During the last famine, we were going about the whole district village by village, and when we came to these villages, we were astonished to find the people in these villages happy and contented. On inquiry we found to our surprise that the villagers never drank at all. That shows how effectively the condition of the people could be improved by adopting prohibition. So, Sir, I welcome the measure as a whole, and when the Government make it a point to extend the scheme to another district I hope they will choose Anantapur or any one of the Ceded districts."

MR. B. NARAYANASWAMI NAYUDU:—"Mr. President, Sir, I wish to place before the House a few remarks on the legislation that



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is now sought to be enacted. It is necessary to refer to a few clauses of the Bill, as the Prime Minister has claimed that this Bill is nothing but a repetition of the Abkari Act. We have to examine now what the nature of the legislation is. We have had the financial aspect of it when the Prime Minister presented the Budget. So it is not necessary to refer to it here and now. What I want to show is that this is a penal legislation. Section 4 is the most important section and in fact the whole Bill turns upon it. It says 'whoever imports, exports, transports or possesses liquor or any intoxicating drug or manufactures liquor or any intoxicating drug . . . bottles any liquor for purposes of sale; or sells liquor or any intoxicating drug, or consumes or buys liquor or any intoxicating drug.' Therefore, Sir, that is the real pivot of this legislation. The question is whether penal legislation is confined to clause (j). Then again, Sir, it is claimed that section 4 is copied, or rather is analogous to section 55 of the Abkari Act. But on a perusal of the two sections you will find this Bill goes far beyond those provisions."

\* MR. PRESIDENT:—"The hon. Member should not go into the details of the Bill. He should confine himself to the general principles of the Bill."

MR. B. NARAYANASWAMI NAYUDU:—"Sir, I am only showing that this penal legislation is going further than mere consumption of liquor, because the words 'suffers consumption of liquor' reveal the real intention of the legislation. It is not only the persons who drink that are going to be punished, it is also the inmates of the house, the wives and relations, in fact every person, male or female, every adult member of the family who happens to be in the house at the time when a particular person is drunk will be hauled up before the magistrate and sentenced to imprisonment or fine, for he or she 'suffered' or 'permitted' or 'tolerated' or 'allowed' drink in the house. Therefore, Sir, I say this Bill is penal legislation. You are punishing not merely the drunkard but every member of his family. Do you expect, Sir, every member of the family who dislikes drink should snatch the tumbler from the hands of the drunkard when he takes it to his mouth? Do you mean to say that his presence in the course of the act or immediately after the act should be punished?"

"Then, Sir, there is another provision in this Act, and that is a new provision altogether, as it is not contained in the Abkari Act; that is the provision relating to Prohibition Committees. This is a matter which requires very serious consideration. It is suggested that Prohibition Committees should be organized all over the Presidency. But has the Government considered the fact that only when a country is in a state of war as a matter of exigency they can draw on the common people? And contrary to that principle, what do you find here? You are going to employ common people as a permanent measure, and I daresay the result of such a step will be the contrary to the purpose for which that body is set up."

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"There is another matter I have to speak about and that is with regard to arrest. Under section 32 of the Abkari Act, you can arrest a man in the public street only if he behaves in a drunken or disorderly manner. You cannot go into his house and arrest him. But under this Bill you can arrest a drunken man even in his house. Have the Government for one moment considered the sanctity of each home, the secrecy of every house and the privacy that everyone wishes to maintain in his house? So the net effect of this section is to throw open every house to the gaze of all men who wish to see whether the crime is going on in the house."

"Then with regard to the provision relating to searches. House-searches are to be carried on by a body of respectable men independent of the police. And they are to be given power to carry on searches at any time, be it day, be it night; whenever they come your doors should be flung open to admit them to carry on search. Is this not penal legislation, I ask? Finally, Sir, I submit that the ordinary individual's rights should not in any way be belittled simply because you want drink to be put down. Sir, I oppose the motion."

\* THE HON. MR. C. RAJAGOPALACHARI:—"Mr. President, Sir, taking the last few observations of the last speaker first, because they affect the very root of the Bill, I have to say this. As to the statement of the hon. Member, whom I believe to be a careful reader of the business and the papers connected with it, I may perhaps just repeat what his contention is."

"In regard to the responsibility of landowners and house-owners and the like and also with regard to the safeguards in respect of searches and the like the Bill is said to have gone beyond reasonable limits. I do not wish to deal with them because he went into the details. I do not wish to go out of the way at this meeting into the details of the Bill. But I wish to assure hon. Members of the House that it is not correct. As regards the provisions I may state that they were taken word for word from the Abkari Act and there are sections which contain safeguards my hon. Friend wants. There is a section to say that the Criminal Procedure Code applies in regard to these matters. Therefore I may state on the merits of the Bill nothing has been done in a covert manner either purposely or carelessly that people should be harassed. No such thing has been done. We shall leave out the details at this stage. As regards the principles, Sir, it was interesting to hear from the hon. Member at the far end, Mr. Raman, that in olden days people drank. I need not go into the history of drink. We need not go into the merits of our ancestors. It is not for us to praise or blame our ancestors' acts or views on this matter. The only question is whether one wants this Government to say that there should be prohibition because we cannot allow people to drink as they like. All countries in the world have accepted this principle. They cannot allow freedom to individuals to be drunk as they like. Prohibitionist or non-prohibitionist, they have agreed that this so-called right of drinking or individual liberty of drinking cannot be interfered with does not exist and all

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nations have resolved either to prohibit or control. So that this liberty is restrained everywhere. The question now is whether for restraining that liberty of the people we should organize the prohibition of the sale of liquor in order that this restriction may be given effect to to prevent people from getting drunk whenever they returned from their work. The position is not exactly therefore whether Rama drank or not. Whatever that may be, whether it is a good thing and whether we should maintain this business, is the point. It is true that we should not do things in a hurry and we should be slow and cautious. I enter our grateful thanks to those who opposed the Bill, to Sir Frank Birley especially, for the considerate manner in which he put forward his criticism. He suggested that we were really doing a wrong thing in regard to the finance of our province. Therefore we should hesitate even though drink was bad and therefore this business must stop. It is true, Sir, that it is a difficult thing. But supposing the finance of the country depended upon a vicious thing, I think we are bound to stop it. It becomes a double crime when we feel it is wrong and when we build up an administration and maintain that administration on the continuance of that vicious thing. Not only continuance is the effect but all along there is the daily desire that the finance should be more and more and that drink should be more and more. Naturally that is the psychology that is bound to be put forth when the nation's finance is allowed to be maintained on such a kind of revenue. I must therefore ask his forgiveness to allow us to proceed uncautiously because it is a question of right or wrong. The hon. Member spoke about delay. There are some matters in which delay is dangerous. If this question of finance is examined, Sir, it will be found that if they had moved for the abolition of this drink 25 years ago the finance difficulty would have been less. Now year after year it is growing. Year after year the difficulty is increasing and must necessarily increase. It cannot be decreasing at all. It will therefore make it more difficult to extricate oneself out of the position. Therefore it is never too early to begin. Delay is positively dangerous not only from the alcohol point of view but also from the finance point of view. It was said we should be slow. I agree. We must be slow and sure. The slowness that he recognizes is the slowness without making the matter difficult to recover the ground. We have not done anything of the kind at all. This Bill proposes that we go slowly to the next step so that we may build up and arrange for the finance before we go to the next step. This is exactly the procedure we follow in this Bill, slow and sure. If we remember both of those qualifications slowness as well as sureness, the character of this Bill will be appreciated. It is not slow in the sense that we do not begin at all. But it is slow in the sense we begin positively. It is only when we tell the country that this finance must go; this finance has gone; that you must rebuild your finance in a different way; that you can retrench if necessary, cut off the pay if necessary and proceed slowly. We have done nothing wrongly. That is the procedure adopted in this Bill. With reference to caution, this Bill satisfies and accepts the advice and proceeds slowly; but not without making it certain that

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the part has been played. That is the difference between the caution adopted in this Bill and the mere caution that is prescribed by others from the opposition—Be cautious and therefore don't begin at all. There is a difference between the two positions and this is what I wish to point out. I was very sorry, Sir, to hear what the hon. Sister said upon it. I should have loved to congratulate her on the first speech. I am sorry to say that not only has she made a lukewarm speech but she has made somewhat dangerous statements. She has made it appear that we are trying to ruin homes while we are trying to save homes. The hon. Member felt pity for women's suffering. But she is having another aspect of that pity and she is putting that forward. 'You are suddenly and openly rushing into the family home. You are searching everything suddenly. You are carrying him away leaving the women and children crying.' What horrible scenes she has pictured before us! With her ability she has pictured well and I congratulate her upon it. But I submit, Sir, that I cannot admit that we are doing such great horror and cruelty as she has described. It is because I think that she is not conversant with the Indian Penal Code that she is extremely frightened. If she cares to look into the old Indian Penal Code or the Criminal Procedure Code, which has been in force for years and years, for many decades, she will find horrible sections like what can be found in this Bill. Every policeman can ride rough-shod on any man. If the policeman swears that he has no time to take a warrant, he can open any family home, can enter into the secret of every home and carry away the men leaving the women and children to screech. Every provision here is not more than a counterpart of what is found in the Criminal Procedure Code from which we are suffering. I can answer my sister over there. It is because men are not so bad as we imagine that even the policeman, the Sub-Inspector, the Police Inspector and the Inspector-General of Police—all these are not inhuman beasts without civilization and culture—protect all classes of society, be they officials or non-officials, legislative council members or other ordinary members. We are not demons. We are living in a land of good people. The same power given in the Criminal Procedure Code has not resulted in the creation of a hell on earth. The hon. Member will see that there is no reason to picture these things and I hope she will acquit the Government of a desire to horrify women and children. As long as this Government is in power and has authority over the police and the magistrates, that very motive will die as soon as this is passed and the demons on earth will cease to make a hell of heaven. The object of the Bill will still continue to remain. Humanity and justice will continue to remain. We need not imagine that everything will go to rack and ruin, the moment this Bill is passed into law. If anything is going wrong the lady Member who will be here can move a vote of censure not only to cancel the Bill but to dismiss people who are so bad. I submit this is too tragic a picture to raise in a House of legislation.

"As regards my hon. Friend, Mr. Saldhana, he complained that we are losing our national wealth and the only national industry we are denationalizing. If only he was given office here and he stayed here as

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Finance Minister he would make so much cashewnut wine and other wines and export them to foreign countries and make so much money that all lands shall be taxless hereafter. All that is very nice to hear and I am glad he is not a Minister. God does not very much like such making of wealth. If you want to make wealth this way by exporting liquors, your own sisters and brothers will suffer first and they will drink and be destroyed before you can ever even half destroy other people. Before you can attempt evil on other men your own people will have died. Therefore, Sir, it is not a practical thing that was evolved by my hon. Friend. It was not possible to do that because we ourselves will be poisoned and will die. That is why nations stopped the opium trade and that is why we also propose to stop this trade. England may not have stopped it but let us hope that England does not export to the extent to which my hon. Friend advises us to do. England does not make so much money from drink. To the extent it does, nations are cursing. To the extent to which South Africa was ruined by the introduction of drink, to that extent Africa is cursing that land. I do not think we need labour that point further. As long as this Government continues it cannot accept the advice given by my hon. Friend that we should do this industry and export drink to foreign countries.

4-45 p.m. “As regards the criticism of Mr. Gonsalves, I have only to say this much. The right of drinking moderately may be permitted if only we can isolate it from its necessary consequences. The nation has of course a right to prevent this trade. What we are doing to-day with the system that is now prevailing is, the whole of the Government is engaged in one department to organize and arrange the public sale and cater to this so-called individual not only to drink moderately but necessarily also to prevent him from drinking to excess. If my hon. Friend will analyse the situation and examine it carefully whether it is possible to permit people at all to make this moderate use of alcohol without its concomitants, he will soon come to the conclusion that it is not possible. Throughout the world nations have found that this right cannot be permitted in these days, but it must be controlled and therefore, my hon. Friend's plea of right or liberty to drink, comes to this; that the State must organize, must control, must make revenue and must not allow weak people to do it overmuch. Let one analyse the figures of drinking. How many drink their own liquors manufactured in their own gardens, because they must have the right to drink as they make their own toddy; and how many are inclined to make their own liquor in their own gardens and how many are ruined by the drinking that the State provides for them under the existing system? But, Sir, these arguments are only fictitious and theoretical. In practice, the advice that the hon. Member gives, if accepted, would lead to the continuance of the present system and to the continued destruction of numerous families and would increase the miseries of such families. That is why we propose to introduce this Bill. Of course, there may be loop-holes and some men will still continue to drink and it is no use saying, you cannot prevent such people from drinking. My hon. Friend Mr. Raman

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began by saying that if we fail, we should stop it altogether and that we should leave it unchecked. My friend is probably thinking of an imaginary or theoretical right. I say there is no such right; and if there is such a right, I should think it is only a theoretical right which my hon. Friend Mr. Gonsalves thinks, namely, that a man has a right to drink in spite of your not providing for him, so that unchecked crime and unchecked habits of certain people will make some people evade the law in spite of all the checks that we are providing. It simply is there always, and we do not propose to harass people to the extent that the hon. Sister imagines; and that the unchecked evasion that may still exist is, I submit, just enough to satisfy the theoretic demand made by my hon. Friend Mr. Gonsalves that you cannot prevent men from drinking. Yes, but I will try as far as possible to prevent it and if I fail, I shall have the consolation that Mr. Gonsalves' theory is satisfied, that some men may drink in spite of all our efforts. I submit, these are not arguments that can be advanced against a public measure; these individual rights are exploded rights. I say, I have a right to set fire to my own house; surely I built it and I can do whatever I like with my house. But, what right have I to set fire to it? My neighbours will say, your fire will catch my house. It is the same thing with drink; it is a liquid fire. You cannot be drinking without ruining yourself, your families and children. The State is the father of your children; the State is responsible for your children. There is already the tradition which gives the parent the right to educate his children, but whose children are they? The State has the interest of the future generation. And when the boys are there, can you drink, even it be in secret, and what will the children think of such a parent? You want the whole nation to be unaffected by this individual liberty. Therefore, Sir, this liquid fire is no less than the concrete tangible fire to put out which we bring in an engine so that the man's own property may be prevented from being burnt. Therefore, this argument is an exploded argument. I submit, Sir, that the House do take the Bill into consideration.”

\* MR. PRESIDENT:—“The question is that the Madras Prohibition Bill, 1937, as passed by the Assembly, be taken into consideration.”

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

#### Clause 1.

\* MR. PRESIDENT:—“I shall now put the Bill clause by clause to the vote of the House.

“The question is that clause 1 do stand part of the Bill.”

\* DIWAN BAHADUR R. SRINIVASAN:—“Mr. President, Sir, I move that—

*After item (ii) of sub-clause (b) the following be added:—*

*“(iii) in such areas (i) and (ii) prescribed above all shops shall be kept open for three hours between 5 p.m. and 8 p.m. on week days except on Sundays for the sale and consumption of intoxicating liquors and drugs.”*

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"Sir, this is the voice of the voiceless millions of drinkers and it cannot therefore be said that this measure will be welcomed by them. This measure has been sprung upon them so suddenly that they are not in a position to voice their feelings. Neither can the House take such drastic measures without hearing their views. What I want to impress upon the attention of the House is, that for the habitual drinkers, if they are suddenly asked to stop drinking, I was assured that death is certain. That is an acknowledged fact known among the drinking population and that is also the experience of persons who are in the know of things. Of course, no statistics has been taken with regard to this, but yet there it is. I know there are various instances of cases like that. It is not only the case with us Indians, but it is the same even among the Europeans. As an illustration, I may mention in the Union of South Africa, there is a law that if a wife makes a complaint before a magistrate that her husband squanders his money in drinking and neglects his duty to wife and family, the magistrate can summon the person concerned and punish him. He can also issue an order to the shop-keepers not to sell any liquor to the person. I know of an instance where a cabinet-maker was brought by his wife before a District Magistrate and the cabinet-maker being an old man, the District Magistrate sentenced him to undergo imprisonment for one week. He was brought again and sentenced to two weeks. The Magistrate also said that if the woman brings him again, she will have to lose her husband. The third time he was again brought up, now before the Assistant Magistrate, a young man, and he sentenced him for one month. He further ordered that no shop-keeper should supply him liquor; within a few months after his release the man died. If any one ascertains, he will find that even in India there are a lot of cases like that. When a man who is addicted to drink, is asked about this, he will certainly say that if he is prevented from drink, he will die. That being the case, I want to warn the Government on behalf of the voiceless millions that this measure is going to be somewhat of a death-trap so far as the habitual drinkers are concerned. I do not know who should be held responsible for the family of the man who dies. Suppose a thousand people die as a result of this, who is to support their families. Sir, this measure is actually a crime. So, some provision should be made to save the lives of these habitual drinkers. That is why, I was prompted to give notice of an amendment so that at least for three hours in a day the liquor shops may be kept open. Experienced drinkers say that it takes at least three hours for the liquor to digest. It is only after three hours that they feel for more drink. Therefore if the shops are kept opened only for three hours and thereafter closed immediately, there is no chance for the drinkers to get drunk and spend their money. My main object of the amendment is that the men may have their habituated drink after a day's labour but not get over-drunk. In course of time the Government may bring in another measure to minimise this drink evil gradually by restricting the number of hours and days in a week. I am sure, Sir, even the shop-keepers will

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be in favour of an amendment of this sort; because they can get all their customers during the particular hours of the evening and do their business without much loss.

"Sir, I do not wish to take up much of the time of the House, as there are other hon. Members who are anxious to speak. There is only one other thing which I want to say. The analogy should not be that between the Chinese opium-eaters and the South Indian toddy drinkers. It should be between inebriety and untouchability. To remove untouchability, we have been struggling for the last twenty years. We have not succeeded in getting rid of it completely. The same will be the case with the question of drunkenness. We cannot do away with it without loss of life and other troubles if this Bill is enacted. With these few words, I move my amendment."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I second the amendment, Sir."

MR. L. SUBBA RAO:—"Mr. President, Sir, I rise to a point of order, though permission has been granted to move the amendment. Under rule 60 (2), Sir, an amendment may not be moved which has merely the effect of a negative vote. I therefore, believe that if this amendment is added to the clause of the Bill, it would be negating the very principle of this Prohibition Bill."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"It is no doubt true, Sir, that it negatives the whole Bill, but I should not press the point of order. I should suggest that the House do consider the amendment and dispose of it on its merits."

\* MR. PRESIDENT:—"Does the hon. Member press his point of order?"

MR. L. SUBBA RAO:—"I place myself entirely in the hands of the Hon. the Premier. I do not want to press the point of order in view of the statement made by the Hon. the Premier."

THE RT. HON. V. S. SRINIVASA SASTRI:—"My submission, 5 p.m. Mr. President, is that the amendment, if read with the governing clause, does not make any sense. I cannot really see how this is an amendment to that section. In spite of the fact that the Hon. Premier is of a charitable nature and has no objection to taking up this amendment, I would request you to give us a ruling. I should like the Premier who is well versed in law to read this amendment with the governing clause so as to make sense."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry that I have to defend an amendment which I have to oppose. We are dealing with clause 1, and it should not have been taken up until the other sections of the Bill have been disposed of. If you take clause 1, and if the hon. Member's amendment is to be fitted into it, it could only be taken in this way. According to clause (b), the rest of the Act is to come into force in the Salem district at once, and in any other local area in the province according as the Government may, by notification, appoint. In such of the areas that have been notified

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under (i) and (ii), he proposes that the shops should be kept open for three hours between 5 and 8 p.m. on week days and that they should be closed altogether on Sundays. If this amendment is accepted by the House, he will naturally ask the House to reject the other provisions of the Bill. All that he means to say is that we are to introduce a Sunday Prohibition Bill and that for the rest of the week days, we are to have prohibition all through the day except for three hours between 5 and 8 p.m. It is a very understandable suggestion."

THE RT. HON. V. S. SRINIVASA SASTRI:—"We are now dealing with clause 1. The amendment deals with clause 1, sub-clause (3) (b) which reads: 'The rest of this Act shall come into force . . .'. Then under it, we have items (i) and (ii) after which the proposed amendment is to find a place. You will see how it reads:

'The rest of this Act shall come into force in such areas (i) and (ii) prescribed above all shops shall be kept open for three hours between 5 p.m. and 8 p.m. on week days except on Sundays for the sale and consumption of intoxicating liquors and drugs.'

Is that grammar? Is that sense?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"The difficulty arises on account of this. Generally the clause would not be put to the vote of the House now. You would have to begin with clause 2 and proceed to the end of the Bill and then come back to clause 1. However the amendment is now under consideration and if it is discussed and passed, sections 3 and 6 will have to go and be consequentially changed. If the principle of this Bill is first discussed, we can arrange grammar later on and I do not think that unless it is put in a grammatical form, we should not discuss the amendment, for it would press rather hard on Members of this House."

THE RT. HON. V. S. SRINIVASA SASTRI:—"I am sorry to have to speak more than once. I thought the matter is perfectly clear. We should not be discussing this clause but this amendment has been moved. Is it right for us to be discussing this clause and the amendment? This is my first point. My second point is this: Supposing the amendment has been allowed to be moved and it does not read as part of the clause, is it regular? My other point is that, the hon. Member himself admits that this clause is in violation of the principles of the Bill. The amendment would knock off the front teeth of the Bill. Are we to allow such an amendment to enter, not by the side-door, not by the window but through a cranny in the wall."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"If clause 1, is not to be taken up, the amendment to clause 1, cannot certainly be taken up."

\* MR. PRESIDENT:—"I rule the amendment out of order since the acceptance of it will mean the negation of the principles of the Bill which were accepted by this House already."

The House adjourned to meet again at 3 p.m. the next day.

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# APPENDIX I.

[Vide answer to starred question No. 75 asked by Mr. L. Subba Rao at the meeting of the Legislative Council held on the 28th September 1937, page 298 supra.]

(1)

*Extract from draft speech sent in August 1936 by the Vice-Chancellor of the Andhra University to the Hon. Minister for Education.*

But I cannot in duty avoid protesting against the extraordinary manner in which Government sometimes ignore the very existence of the Andhra University, though it was they that brought it into existence. For instance, in a recent order of Government laying down certain qualifications for entry into some services in the Education Department, reference was made only to the degrees of the Madras University, and the Andhra University and its degrees were ignored. (Page 895 of the *Fort St. George Gazette*, Part I, dated the 23rd June 1936.) Of course, I do not grudge the first place being given to the Senior University in our Presidency, my own *alma mater*—the mother, in Dr. Miller's phrase, from whom the daughters separated to set up homes of their own—but it is not fair to treat us as non-existent. I am sure even the Madras University will not approve of this, because no mother would like to see her daughters neglected as of no account. I have sent up a representation to Government on this subject. If the Madras Government continues to forget us like this, we, poor Andhras, will have no option except to set up a separate government of our own.

(2)

*Letter from the Registrar of the Andhra University, No. 177-C/36, dated 5th August 1936.*

I have the honour by direction of the Vice-Chancellor to invite your attention to G.O. No. 1048, Public (Services), dated the 10th June 1936, and published in the *Fort St. George Gazette* of the 23rd June 1936 and to state that in Annexure II to the Government Order where the minimum qualification for entrants to certain branches of government service are enumerated, the degrees of the Madras University only are given and no mention is made of the degrees of the Andhra University, though we conduct all the examinations mentioned therein either under the same nomenclature or under a different nomenclature. Nor are the standards inferior. Apparently it is the intention of Government that the recognition of our examinations as equivalent to those of Madras should be left to the Public Service Commission to be dealt with under Notification No. 206 of the Public (Services) Department, published in pages 1682 to 1694 of Part I of the *Fort St. George Gazette*, dated 10th September 1934.

The Vice-Chancellor is of the opinion that the Government themselves should decide this, treating all the statutory universities of the province in academic matters in exactly the same way and omission of the Andhra University degrees and titles in the notification referred to above constitutes a serious slur on the reputation of the university,

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though it was not the intention of Government to do so. Nor can the notification under which the Public Service Commission can recognize the degrees of this university be regarded as a sufficient reparation of this damage. Such powers of recognition can be vested in the Commission in respect of degrees and titles conferred outside the Presidency, but the recognition of degrees and titles of statutory universities in the Presidency should be dealt with by the Government themselves and not be left to the discretion of any other body, whatever may be its status.

I am to request that in these circumstances you will be so kind as to move the Government to rectify the omission and to give due publicity to the revised orders. I am to request further that if similar omission has been made in notifications concerning other departments besides the Education Department, it may be rectified also, and that in future in all cases where university degrees are concerned the parity of Andhra degrees with those of sister universities in the Presidency be expressly recognized.

(3)

Memorandum No. 20180-3, Public (Services), dated 20th May 1937.

Public Services—Qualifications—Prescription of degrees of Andhra University in the statutory service rules. *Reference*.—Letter from the Registrar of the Andhra University, No. 177-C/36, dated 5th August 1936.]

The Registrar of the Andhra University is informed that the policy of the Government has been to prescribe in the statutory rules for the services as the basic qualifications necessary for appointments, only the qualifications obtainable at the University of Madras and to authorize the Commission to recognize qualifications obtainable at other universities in this Presidency and elsewhere which are equivalent to the basic qualifications. If this is not left to the Commission the Government will have to specify what degrees are equivalent to the Madras University degree. They do not consider it necessary to do so as the Commission has already recognized qualifications of the Andhra and Annamalai Universities as equivalent to the corresponding qualifications of the Madras University. In its notifications inviting applications the Commission invariably announces that equivalent qualifications will be accepted and a considerable number of candidates of the Andhra and Annamalai Universities apply even though the qualifications obtainable at these universities are not specifically announced. There is thus no practical disadvantage in the practice adopted by the Government. They have consulted the Commission and it agrees that the existing practice be followed. In the circumstances the Government do not consider it necessary to include in the statutory rules for the services qualifications obtainable at the other universities.

C. F. BRACKENBURY,  
Chief Secretary.

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## APPENDIX II.

[Wide answer to starred question No. 78 asked by Dr. Sir K. V. Reddi Nayudu at the meeting of the Legislative Council held on the 28th September 1937, page 303 supra.]

Names of prisoners released between 15th July 1937 and 1st September 1937 with particulars of convictions, etc.

| Serial number and names of prisoners. | Nature of offence.                                       | Sentence awarded.                                           | Period served (including remission). |     | Unexpired portion remitted. | Grounds for remission of sentence. |                                                                                                       |
|---------------------------------------|----------------------------------------------------------|-------------------------------------------------------------|--------------------------------------|-----|-----------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------|
|                                       |                                                          |                                                             | Y. M. D.                             | (4) | (5)                         | (6)                                | (6)                                                                                                   |
| 1 Balakrishna Serrai                  | Section 307, I.P.C. and section 19 (f), Indian Arms Act. | Rigorous imprisonment for seven years (16th November 1932). | 5                                    | 8   | 11                          | Y. M. D.<br>1 3 19                 | Under the Advisory Board Scheme in accordance with the recommendations of the Indian Jails Committee. |
| 2 Pethan                              | Section 397, I.P.C.                                      | ..                                                          | 5                                    | 5   | 4                           | 1 6 26                             | Do.                                                                                                   |
| 3 Karuppa Pethan                      | Sections 304 (1) and 324, I.P.C.                         | ..                                                          | 5                                    | 3   | 4                           | 1 8 26                             | Do.                                                                                                   |
| 4 Gubaldeen                           | Section 304 (2), I.P.C.                                  | ..                                                          | 7                                    | 1   | 10                          | 2 10 20                            | Do.                                                                                                   |
| 5 Kuppaswami Pillai                   | Section 395, I.P.C.                                      | ..                                                          | 4                                    | 1   | 3                           | 0 10 27                            | Do.                                                                                                   |
| 6 Jobamalai Nader                     | Section 304, I.P.C.                                      | ..                                                          | 5                                    | 5   | 20                          | 1 6 10                             | Do.                                                                                                   |
| 7 Ramaswami Reddi                     | Section 307, I.P.C.                                      | ..                                                          | 5                                    | 1   | 27                          | 1 10 3                             | Do.                                                                                                   |
| 8 Kunisetti Ramachandran              | Section 324, I.P.C.                                      | ..                                                          | 3                                    | 10  | 27                          | 1 1 3                              | Do.                                                                                                   |
| 9 Subba Nair                          | Section 302, I.P.C.                                      | ..                                                          | 13                                   | 8   | 27                          | 6 3 3                              | Do.                                                                                                   |
| 10 Maveli Nader                       | Do.                                                      | ..                                                          | 13                                   | 9   | 17                          | 6 2 13                             | Do.                                                                                                   |
| 11 C. Amba                            | Sections 147, 326, read with 149, I.P.C.                 | ..                                                          | 3                                    | 6   | 1                           | 1 5 29                             | Do.                                                                                                   |
| 12 Dandupati Appanna                  | Section 307, I.P.C.                                      | ..                                                          | 14                                   | 0   | 15                          | 5 11 15                            | Do.                                                                                                   |
| 13 Kumaraswami Pillai                 | Section 302, I.P.C.                                      | ..                                                          | 5                                    | 6   | 14                          | 14 5 16                            | Medical grounds.                                                                                      |
| 14 Irada Kunlan                       | Section 395, I.P.C.                                      | ..                                                          | 3                                    | 1   | 3                           | 1 10 27                            | Under the Advisory Board Scheme.                                                                      |
| 15 V. Subramanyam Pillai              | Sections 471 and 420, I.P.C.                             | ..                                                          | 4                                    | 6   | 19                          | 0 5 11                             | In view of the short sentence yet to be undergone and of the report of the District Magistrate.       |
| 16 K. Subramanyam                     | Sections 148 and 302, I.P.C.                             | ..                                                          | 13                                   | 6   | 14                          | 6 5 16                             | Under the Advisory Board Scheme.                                                                      |
| 17 Veera Boyan                        | Section 302, I.P.C.                                      | ..                                                          | 13                                   | 5   | 21                          | 6 6 9                              | Do.                                                                                                   |
| 18 Umaadhin Kavathan                  | Do.                                                      | ..                                                          | 13                                   | 10  | 7                           | 6 1 23                             | Do.                                                                                                   |
| 19 Kurumba Tayan                      | Sections 149 and 302, I.P.C.                             | ..                                                          | 13                                   | 5   | 21                          | 6 6 9                              | Do.                                                                                                   |
| 20 Kannan                             | Sections 235 and 243, I.P.C.                             | ..                                                          | 2                                    | 9   | 4                           | 0 2 26                             | Do.                                                                                                   |
| 21 Odda Chinayya Velai                | Section 305, I.P.C.                                      | ..                                                          | 3                                    | 8   | 3                           | 0 3 27                             | Do.                                                                                                   |



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## prisoners released between 15th July 1937 and 1st September 1937 with particulars of convictions, etc.—cont.

| Serial number and names of prisoners<br>(1)                                      | Nature of offence.<br>(2)                                                                   | Sentence awarded.<br>(3)                                                                                                                   | Period served including remission.<br>(4) |          | Grounds for remission of sentence.<br>(5) |  |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------|-------------------------------------------|--|
|                                                                                  |                                                                                             |                                                                                                                                            | Y. M. D.                                  | Y. M. D. |                                           |  |
| 22 Peda Honnuru                                                                  | Section 302, I.P.C.                                                                         | Transportation for life (18th February 1927).                                                                                              | 13 6 12                                   | 6 5 18   | Under the Advisory Board Scheme.          |  |
| 23 Kandan Annai                                                                  | Do.                                                                                         | Transportation for life (8th December 1926).                                                                                               | 13 5 14                                   | 6 6 16   | Do.                                       |  |
| 24 Kottapali alias Tevan                                                         | Sections 380, 457, I.P.C., and section 23 (a) of the Criminal Tribes Act.                   | Seven years' rigorous imprisonment and four years' rigorous imprisonment (to run concurrently) (13th November 1931).                       | 6 8 20                                    | 0 3 10   | Do.                                       |  |
| 25 Kanan Ambalagan                                                               | Section 307, I.P.C.                                                                         | Ten years' rigorous imprisonment (18th August 1931).                                                                                       | 7 1 18                                    | 2 11 12  | Do.                                       |  |
| 26 Boggu                                                                         | Section 304, I.P.C.                                                                         | Three and a half years' rigorous imprisonment (17th April 1935).                                                                           | 2 9 28                                    | 0 8 2    | Do.                                       |  |
| 27 Eavaji Sahib                                                                  | Section 302, I.P.C.                                                                         | Transportation for life (13th July 1925).                                                                                                  | 13 11 20                                  | 6 0 10   | Do.                                       |  |
| 28 Ananji Kudumban                                                               | Do.                                                                                         | Transportation for life (24th August 1926).                                                                                                | 13 6 8                                    | 6 5 22   | Do.                                       |  |
| 29 Arumuga Nader                                                                 | Do.                                                                                         | Transportation for life (1st November 1926).                                                                                               | 13 5 25                                   | 6 6 5    | Do.                                       |  |
| 30 Sundaram Ayyar alias Babba Ayyar alias Krishna Ayyar alias Sankaralinga Nadar | (1) Sections 411 and 75, I.P.C., and (2) section 176, I.P.C.                                | (1) Four years' rigorous imprisonment (5th January 1934) and (2) six months' simple imprisonment (19th March 1934) to run consecutively.   | 4 2 15                                    | 0 3 15   | Do.                                       |  |
| 31 Munipalli Ramarao                                                             | Section 17 (1), Criminal Law Amendment Act.                                                 | (Two months' simple imprisonment...)                                                                                                       |                                           |          |                                           |  |
| 32 Kanban Setyanarayana                                                          |                                                                                             | Four months' simple imprisonment.                                                                                                          |                                           |          |                                           |  |
| 33 Mylavarepu Ramarao                                                            |                                                                                             | Two months' simple imprisonment.                                                                                                           |                                           |          |                                           |  |
| 34 C. P. Elango                                                                  |                                                                                             | Do.                                                                                                                                        |                                           |          |                                           |  |
| 35 Alluri Setyanarayana Raju                                                     |                                                                                             | Six months' simple imprisonment.                                                                                                           |                                           |          |                                           |  |
| 36 Utharaju Suraparaju                                                           |                                                                                             | Two months' simple imprisonment.                                                                                                           |                                           |          |                                           |  |
| 37 Ravi Adishesiah                                                               |                                                                                             | Do.                                                                                                                                        |                                           |          |                                           |  |
| 38 Sakri Krishnaswamy                                                            |                                                                                             | Do.                                                                                                                                        |                                           |          |                                           |  |
| 39 Beeran Ramanaiah                                                              |                                                                                             | Do.                                                                                                                                        |                                           |          |                                           |  |
| 40 Pusapati Narasimharaju                                                        |                                                                                             | Do.                                                                                                                                        |                                           |          |                                           |  |
| 41 Kouru Subbaraju                                                               |                                                                                             | Do.                                                                                                                                        |                                           |          |                                           |  |
| 42 Kalidindi Bangaraju                                                           |                                                                                             | Do.                                                                                                                                        |                                           |          |                                           |  |
| 43 Sagiraju Setyanarayana                                                        |                                                                                             | Do.                                                                                                                                        |                                           |          |                                           |  |
| 44 Kota Abbayi Chetti                                                            |                                                                                             | Do.                                                                                                                                        |                                           |          |                                           |  |
| 45 Thimmavejula Narasimhan                                                       |                                                                                             | Do.                                                                                                                                        |                                           |          |                                           |  |
| 46 Vairreddy Narayanarao                                                         | (1) Section 4 (b) of the Explosives Substances Act and (2) section 19 (f), Indian Arms Act. | (1) Four years' rigorous imprisonment and (2) two years' rigorous imprisonment (to run concurrently) (21st April 1934).                    | 3 10 18                                   | 0 1 12   |                                           |  |
| 47 Kakarla Kanawara Sastri alias Kanawara Rao.                                   | Sections 124-A and 153-A, I.P.C.                                                            | Two years' rigorous imprisonment (10th December 1936) [Reduced to six months' rigorous imprisonment in C.A. No. 707/36 of the High Court.] | 0 4 8                                     | 0 1 22   |                                           |  |
| 48 Puchalapalli Sundaraya alias Venkatasundarama Reddi.                          |                                                                                             |                                                                                                                                            |                                           |          |                                           |  |

No information. In pursuance of the policy of this Government to create a good political atmosphere.

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|                                            |                                                                                          |                                                                                                          |          |         |  |  |
|--------------------------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------|---------|--|--|
| 49 Sankoji Moogadu                         | Section 121, I.P.C.                                                                      | Transportation for life (22nd July 1925).                                                                | 14 1 11  | 5 10 19 |  |  |
| 50 Gam Mallu Dora                          | Sections 121, 121-A, 122, 143, 147, 148 and 397, I.P.C.                                  | Death (12th May 1934); commuted by High Court to transportation for life. (25 years.)                    | 15 4 12  | 9 7 18  |  |  |
| 51 K. A. Keralayyan alias Kunappa Nambiar. | Section 124-A, I.P.C.                                                                    | Security for Rs. 500 or simple imprisonment for one year.                                                | 0 7 12   | 0 4 18  |  |  |
| 52 K. P. Gopalan                           | Do.                                                                                      | Do.                                                                                                      | Do.      | Do.     |  |  |
| 53 Chandroth Kunhi Ramana Nair.            | Section 123, I.P.C.                                                                      | Security for Rs. 500 or simple imprisonment (1934), (2) two months' rigorous imprisonment.               | 0 7 24   | 0 1 6   |  |  |
| 54 A. K. Gopalan Nambiar                   | (1) Section 120-B, I.P.C., (2) section 186, I.P.C.                                       | Six months' simple imprisonment (30th June 1937).                                                        | 3 8 25   | 0 5 5   |  |  |
| 55 S. Mukundalal Sircar                    | Section 188, I.P.C. (second part).                                                       | Four months' rigorous imprisonment (8th November 1928) and transportation for life (20th February 1929). | 0 0 21   | 0 5 9   |  |  |
| 56 Meher Ally                              | Sections 147, 149, I.P.C. and sections 126 (b) and 128 of the Indian Railways Act, 1890. | Ten years' rigorous imprisonment (10th September 1928).                                                  | 10 7 6   | 9 4 24  |  |  |
| 57 Chinnaappa                              | Section 126 (b), Indian Railways Act, 1890.                                              | Transportation for life (8th February 1929).                                                             | 9 8 13   | 0 3 17  |  |  |
| 58 Gnanaprasadam Pillai                    | Sections 109, I.P.C. and 126 (b), Indian Railways Act, IX of 1890.                       | Do.                                                                                                      | 10 2 16  | 9 9 14  |  |  |
| 59 Vallayan alias Sourappa                 | Section 125, Indian Railways Act, 1890.                                                  | Six months' rigorous imprisonment.                                                                       | 10 3 7   | 9 8 23  |  |  |
| 60 Ponnuswami                              | Section 147, I.P.C. and sections 127, 128, Railways Act read with section 149, I.P.C.    | Do.                                                                                                      | 15 10 29 | 5 5 1   |  |  |
| 61 Sundaram                                | Sections 147, 149, I.P.C. and section 126 (b), Railways Act.                             | Four months' rigorous imprisonment.                                                                      |          |         |  |  |
| 62 Parsaparathil Mammuni                   | Detained under Regulation II of 1819.                                                    | Transportation for life (10th September 1922).                                                           |          |         |  |  |
| 63 Kuthirithodi Alavi                      | Detained under Regulation II of 1819, Moplah Outrages Act, 1869.                         | Death sentence commuted to transportation for life (25th April 1922).                                    |          |         |  |  |
| 64 Koller Kunhalavi Kurikkal               | Sections 121 and 302, I.P.C.                                                             | Transportation for life (26th April 1922).                                                               | 17 6 18  | 2 5 12  |  |  |
| 65 Koppa Abdulla                           | Section 121, I.P.C.                                                                      | Death sentence commuted to transportation for life (25th April 1922).                                    | 17 10 8  | 2 1 22  |  |  |
| 66 Potayil Aykuru Musaliyar                | Sections 395, 149 and 302, I.P.C.                                                        | Transportation for life under each count, to run concurrently (27th January 1923).                       | 17 0 6   | 2 11 24 |  |  |
| 67 Mecheri Thasathvestan Marakkur.         | Sections 121 and 302, I.P.C.                                                             | Death sentence commuted to transportation for life (10th January 1922).                                  | 17 11 14 | 2 0 16  |  |  |
| 68 Pallyil Kunhali                         | Do.                                                                                      | Do.                                                                                                      | 17 11 14 | 2 0 16  |  |  |
| 69 Panampuzha Moddem Molla                 |                                                                                          |                                                                                                          |          |         |  |  |

In pursuance of the policy of this Government to create a good political atmosphere.



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Names of prisoners released between 15th July 1937 and 1st September 1937 with particulars of convictions, etc.—*cont.*

| Serial number and names of prisoners.           | Nature of offence.                                                             | Sentence awarded.                                                                                                   | Period served including remissions. | Unexpired portion remitted. | Grounds for remission of sentence.                                                   |
|-------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------|--------------------------------------------------------------------------------------|
| (1)                                             | (2)                                                                            | (3)                                                                                                                 | (4)                                 | (5)                         | (6)                                                                                  |
| 70 Manichathodi Uthan ..                        | (1) Regulation 2 read with sections 149, 379 and 384, I.P.C. Do.               | One and half years' rigorous imprisonment.                                                                          | Y. M. D. 17 8 19                    | Y. M. D. 2 3 11             | In pursuance of the policy of this Government to create a good political atmosphere. |
|                                                 | (3) Regulation 2 read with section 384, I.P.C.                                 | Two years' rigorous imprisonment.                                                                                   |                                     |                             |                                                                                      |
|                                                 | (4) Regulation 2 read with sections 143 and 384, I.P.C.                        | Six months' and two years' rigorous imprisonment (concurrent).                                                      |                                     |                             |                                                                                      |
|                                                 | (5) Martial Law Regulation 2 read with sections 149 and 384, I.P.C.            | Rigorous imprisonment for one year.                                                                                 |                                     |                             |                                                                                      |
| 71 Ossen Ali ..                                 | (6) Section 395, I.P.C. ..                                                     | Transportation for life and fine of Rs. 150, in default to six months' rigorous imprisonment.                       | 15 7 16                             | 4 4 14                      | Released on medical grounds.                                                         |
| 72 Appaji Rao ..                                | (7) Do. ..                                                                     | Rigorous imprisonment for four years.                                                                               | 3 5 8                               | 0 6 22                      |                                                                                      |
|                                                 | (8) Do. ..                                                                     | Three years' rigorous imprisonment.                                                                                 |                                     |                             |                                                                                      |
|                                                 | Section 121, I.P.C. ..                                                         | Transportation for life (11th January 1922).                                                                        | 15 7 16                             | 4 4 14                      |                                                                                      |
| 73 Anga Mudali ..                               | Sections 307 and 324, I.P.C. ..                                                | Four years' rigorous imprisonment and one year's rigorous imprisonment (to run concurrently) (21st September 1934). | 11 1 25                             | 8 10 5                      | Do.                                                                                  |
| 74 Kandaswami Pillai alias Krishnaswami Pillai. | Section 304 (second part), I.P.C.                                              | Seven years' rigorous imprisonment (17th February 1928) enhanced to transportation for life.                        | 14 0 0                              | 6 0 0                       | Released under the 14 years' rule.                                                   |
| 75 Kora Raman ..                                | Sections 454, 455, 75, 176, 224 and 326, I.P.C.                                | Transportation for life in the aggregate.                                                                           | 14 0 0                              | 6 0 0                       | Do.                                                                                  |
| 76 Rangam alias Rangaswami ..                   | Section 22 (2) (b) of the Criminal Tribes Act and sections 457 and 380, I.P.C. | Transportation for life (24th November 1925) and rigorous imprisonment for five months.                             | 14 0 0                              | 6 0 0                       | Do.                                                                                  |
| 77 Ummidiseti Nagabhushanam ..                  | Sections 379 and 75, I.P.C. ..                                                 | Transportation for life (12th February 1926).                                                                       | 14 0 4                              | 5 11 26                     | Do.                                                                                  |
| 78 Y. Balasubramania Ayyar ..                   | Sections 457, 380 and 75, I.P.C.                                               | Transportation for life (25th August 1925).                                                                         | 15 0 0                              | 5 0 0                       | His release under the 14 years' rule was refused and he was released a year after.   |
| 79 Kunhiparambath Kollan Kelappan.              | Section 302, I.P.C. ..                                                         | Transportation for life (17th March 1925).                                                                          | 19 10 0                             | 0 2 0                       | He was released under the 20 years' rule.                                            |
|                                                 | Sections 380 and 75, I.P.C. ..                                                 | Transportation for life (9th September 1920).                                                                       |                                     |                             |                                                                                      |

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## APPENDIX III

[Vide answer to unstarred question No. 38 asked by Khan Bahadur V. Hamid Sultan Marakkayar at the meeting of the Legislative Council held on the 28th September 1937, page 306 supra.]

Statement showing the total number of Superintendents and number of Muslim Superintendents in each department of the Secretariat.

| Name of department.                       | Total number of Superintendents. |             |        | Number of Muslim Superintendents. |               |        |
|-------------------------------------------|----------------------------------|-------------|--------|-----------------------------------|---------------|--------|
|                                           | Perma-nent.                      | Tempo-rary. | Total. | Perma-nent.                       | Offici-ating. | Total. |
| Legal Department ..                       | 1                                | 1           | 2      | ..                                | ..            | ..     |
| Education and Public Health Department .. | 6                                | 2           | 8      | ..                                | ..            | ..     |
| Finance Department ..                     | 8                                | 6           | 14     | ..                                | 1             | 1      |
| Public Works Department ..                | 5                                | ..          | 5      | 1                                 | ..            | 1      |
| Local Administration Department ..        | 5                                | 2           | 7      | ..                                | ..            | ..     |
| Revenue Department ..                     | 4                                | ..          | 4      | ..                                | ..            | ..     |
| Home Department ..                        | 4                                | 2           | 6      | ..                                | ..            | ..     |
| Chief Secretariat ..                      | 6                                | 4           | 10     | 1                                 | ..            | 1      |
| Development Department ..                 | 4                                | 1           | 5      | 1                                 | ..            | 1      |
| Total ..                                  | 43                               | 18          | 61     | 3                                 | 1             | 4      |

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## APPENDIX IV.

[Vide item V at page 310 supra.]

(As passed by the Assembly)

*A Bill to introduce and extend the prohibition of the manufacture, sale and consumption of intoxicating liquors and drugs in the Province of Madras.*

WHEREAS it is expedient as early as possible to bring about the prohibition, except for medicinal, scientific, industrial or such like purposes, of the production, manufacture, possession, export, import, transport, purchase, sale and consumption of intoxicating liquors and drugs in the Province of Madras;

AND WHEREAS it is desirable to give effect to the abovementioned policy by introducing it in certain selected areas in the said Province and utilizing the experience gained therein for extending it to the other areas thereof;

It is hereby enacted as follows:—

## CHAPTER I.—PRELIMINARY.

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Madras Prohibition Act, 1937.

(2) It extends to the whole of the Province of Madras.

(3) (a) This section and sections 3 and 6 shall come into force in the whole of the Province of Madras at once.

(b) The rest of this Act shall come into force—

(i) in the district of Salem, at once; and

(ii) in any other local area in the Province of Madras on such date as the Provincial Government may, by notification, appoint.

Repeals.

2. From the date on which the provisions of this Act other than sections 1, 3 and 6 come into force in any local area, the enactments mentioned in the Schedule shall cease to be in force in such area to the extent specified in the fourth column thereof:

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Provided that the Provincial Government may, by notification, declare that the provisions of this Act other than sections 1, 3 and 6 shall cease to be in force in any local area on such dates as may be specified in the notification and thereupon the enactments mentioned in the Schedule with any subsequent statutory modifications thereof shall revive and come into force in such area with effect on and from such date.

3. In this Act, unless there is something repugnant in the subject or context—

(1) “bottle” means to transfer liquor from a ‘bottle’ cask or other vessel to a bottle, jar, flask or pot or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling.

(2) “buy” or “buying” includes any receipt ‘buy’ or ‘buying’ including gift.

(3) “Collector” means a Collector of land ‘Collector’ revenue, or any person appointed under clause (b) of section 25 to exercise all or any of the powers or to perform all or any of the duties of a Collector under this Act.

(4) “Commissioner” means the officer appointed under clause (a) of section 25. ‘Commissioner’

(5) “cultivation” includes the tending or protecting of a plant during growth and does not ‘cultivation’ necessarily imply raising it from seed.

(6) “export” means— ‘export’

(a) to take out of any local area to which this Act applies to any other local area in the Province of Madras to which this Act has not been extended, or

(b) to take out of the Province of Madras otherwise than across a customs frontier as defined by the Central Government.

(7) “import” means— ‘import’

(a) to bring into any local area to which this Act applies from any other local area in the Province of Madras to which this Act has not been extended, or

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(b) to bring into the Province of Madras, otherwise than across a customs frontier as defined by the Central Government.

'intoxica-  
ting drug'

(8) "intoxicating drug" means—

(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis sativa* L.) including all forms known as *bhang*, *siddhi*, or *ganja*;

(ii) *charas*, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;

(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug, or any drink prepared therefrom; and

(iv) any other intoxicating or narcotic substance which the Provincial Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930.

'liquor'

(9) "liquor" includes toddy, spirits of wine, methylated spirits, spirits, wine, beer and all liquid consisting of or containing alcohol;

'local body'

(10) "local body" means the Corporation of Madras, any municipality constituted under the Madras District Municipalities Act, 1920, or any local board constituted under the Madras Local Boards Act, 1920;

'manufac-  
ture'

(11) "manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is produced, prepared or blended, and also re-distillation and every process for the rectification of liquor;

'place'

(12) "place" includes also a house, shed, enclosure, building, shop, tent and vessel;

'police  
station'

(13) "police station" includes any place which the Provincial Government may, by notification, declare to be a police station for the purposes of this Act;

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(14) "Prohibition Officer" means the Commissioner, a Collector, or any officer or other person lawfully appointed or invested with powers under section 25;

(15) "rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith;

(16) "sale" or "selling" includes any transfer including gift;

(17) "spirits" means any liquor containing alcohol and obtained by distillation (whether it is denatured or not);

*Explanation.*—"Denatured" means subjected to a process prescribed by the Provincial Government by notification for the purpose of rendering unfit for human consumption;

(18) "sweet toddy" means juice drawn into receptacles treated so as to prevent any fermentation;

(19) "toddy" means the fermented or unfermented juice drawn from a coconut, palmyra, date, or any other kind of palm tree; and

(20) "transport" means to move from one place to another within any local area to which this Act applies.

## CHAPTER II.—PROHIBITIONS AND PENALTIES.

### 4. (1) Whoever,

(a) imports, exports, transports or possesses liquor or any intoxicating drug; or

(b) manufactures liquor or any intoxicating drug; or

(c) except in accordance with the rules made by the Provincial Government in that behalf, cultivates the hemp plant (*Cannabis sativa*); or collects any portion of such plant from which an intoxicating drug can be manufactured; or

(d) taps any toddy-producing tree or permits or suffers to be tapped any toddy-producing tree belonging to him or in his possession; or

Prohibition of the manufacture of, traffic in, and consumption of, liquors and intoxicating drugs.

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- (e) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession; or
- (f) constructs or works any distillery or brewery; or
- (g) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug; or
- (h) bottles any liquor for purposes of sale; or
- (i) sells liquor or any intoxicating drug; or
- (j) consumes or buys liquor or any intoxicating drug; or
- (k) allows any of the acts aforesaid upon premises in his immediate possession

shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both:

Provided that nothing contained in this sub-section shall apply to any act done under, and in accordance with, the provisions of this Act or the terms of any rule, notification, order, licence or permit issued thereunder.

(2) It shall be presumed until the contrary is shown—

- (a) that a person accused of any offence under clauses (a) to (j) of sub-section (1) has committed such offence in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug, for the possession of which he is unable to account satisfactorily; and
- (b) that a person accused of any offence under clause (k) of sub-section (1) has committed such offence if an offence is proved to have

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been committed in premises in his immediate possession in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug.

5. Whoever renders or attempts to render fit for human consumption any spirit, whether manufactured in British India or not, which has been denatured or has, in his possession, any spirit in respect of which he knows or has reason to believe that any such attempt has been made shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

For the purpose of this section it shall be presumed, until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit.

6. Whoever prints or publishes in any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise displays or distributes any advertisement or other matter commending, soliciting the use of, or offering any liquor or intoxicating drug other than liquor or drugs exempted under section 16, or specially approved as of medicinal value by the Medical Council established by the Madras Medical Registration Act, 1914, shall be punished with fine which may extend to one thousand rupees:

Provided that this section shall not apply—

- (a) to plain catalogues and price lists which may be generally or specially approved by the Commissioner; or
- (b) to the normal circulation within the Province of newspapers, periodicals and books printed and published in accordance with law outside the Province; or
- (c) to any advertisement contained in a newspaper printed and published in the Province before the first day of January 1938.

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Punishment  
for conspi-  
racy.**7. When two or more persons agree—**

- (a) to commit or cause to be committed any offence under sub-section (1) of section 4 or under section 5, or
- (b) to evade or nullify the provisions of this Act in any area where it is in force,

each of such persons shall, notwithstanding that no act except the agreement was done by any of the parties thereto in pursuance thereof or that the agreement was made or the operations thereunder took place in an area to which this Act has not been extended, be punished with imprisonment which may extend to three years or with fine which may extend to five thousand rupees or with both.

Punishment  
for  
vexatious  
search or  
arrest.**8. Any officer or person exercising powers under this Act, who—**

- (a) without reasonable ground of suspicion, enters or searches or causes to be searched, any closed place; or
- (b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act; or
- (c) vexatiously and unnecessarily detains, searches or arrests any person; or
- (d) maliciously and falsely lays information leading to a search, seizure, detention or arrest; or
- (e) in any other way maliciously exceeds his lawful powers,

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment  
for  
vexatious  
delay.

**9. Any officer or person exercising powers under this Act, who vexatiously and unnecessarily delays forwarding to a Prohibition Officer or to the officer in charge of the nearest police station as required by section 38, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.**

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**10. Any officer or person exercising powers under this Act who—**Punishment  
for abetment  
of escape of  
persons  
arrested,  
etc.

- (a) unlawfully releases or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act, or

- (b) acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, and

any other officer of the Provincial Government or of a local body who abets the commission of any offence against this Act, shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

**11. Whoever is guilty of any wilful act or intentional omission in contravention of any of the provisions of this Act, or of any rule, notification or order made thereunder and not otherwise provided for in this Act, shall be punished with fine which may extend to two hundred rupees.**

Punishment  
for offences  
not other-  
wise  
provided  
for.

**12. Where any offence against this Act is committed in any area to which it has been extended, whoever commits, or attempts to commit, or abets the commission of, any of the acts making up the offence shall be liable to be punished therefor, whether such commission, attempt or abetment takes place within or outside such area.**

Punishment  
for abetment  
of offence  
against Act  
in area to  
which Act  
is not ex-  
tended.

**13. In any case in which an offence has been committed against this Act, the liquor, drug, materials, still, utensil, implement, or apparatus in respect of which the offence has been committed shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same.**

Things  
liable to  
confiscation.

**14. (1) When the offender is convicted or when the person charged with an offence against this Act is acquitted, but the Court decides that anything is liable to confiscation, such confiscation may be ordered by the Court.**

Confiscation  
how ordered.

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(2) When an offence against this Act has been committed but the offender is not known, or cannot be found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Collector or other Prohibition Officer in charge of the district or by any other officer authorized by the Provincial Government in that behalf, who may order such confiscation:

Provided that no such order shall be made until the expiration of fifteen days from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence, if any, which they produce in support of their claims.

Offences under Act to be cognizable.

15. All offences under this Act shall be cognizable and the provisions of the Code of Criminal Procedure, 1898, with respect to cognizable offences shall apply to them. V of 1898.

### CHAPTER III.—EXEMPTIONS AND LICENCES.

Power to notify exemptions.

16. (1) The Provincial Government may, by notification and subject to such conditions as they think fit, exempt any specified liquor or intoxicating drug or article containing such liquor or drug from the observance of all or any of the provisions of this Act on the ground that such liquor, drug or article is required for a medicinal, scientific, industrial or such like purpose.

(2) When issuing a notification under sub-section (1), the Provincial Government shall have power to provide that a breach of any of the conditions subject to which the exemption is notified shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Exemption of bona fide travellers and lawful consignments.

17. Until the Provincial Government by notification otherwise direct, the provisions of this Act shall not be deemed to apply—

(a) to liquor in the possession of bona fide travellers for their own personal use while passing through any local area in which this Act is in force; or

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(b) to lawful consignments of liquor or intoxicating drugs carried by a railway administration through or into any such local area.

18. The Provincial Government or subject to the control of the Provincial Government, the Collector, may issue licences to any person or in respect of any institution whether under the management of Government or not, for the manufacture, export, import, transport, sale or possession of any liquor, intoxicating drug or article containing such liquor or drug, on the ground that such liquor, drug or article is required by such person or in respect of such institution for a bona fide medicinal, scientific, industrial or such like purpose. Licences for bona fide medicinal or other purposes.

19. Subject to the control of the Provincial Government, the Collector or any officer empowered by him may issue— Licences for tapping for sweet toddy, etc.

(a) licences for the tapping of any trees for sweet toddy for consumption thereof without fermentation or for the manufacture of jaggery therefrom, or

(b) permits for the possession, transport or sale of such toddy.

20. The Provincial Government or any officer empowered by them in this behalf may issue— Permits and licences.

(a) permits authorizing any person to consume and possess for personal consumption any liquor or intoxicating drug;

(b) permits authorizing any person or institution to possess and use any liquor for any religious purpose in accordance with ancient custom;

(c) licences to any institution to possess liquor and issue it to such of its members as hold permits under clause (a); and

(d) licences to any person in charge of a restaurant car attached to a railway train to possess liquor and serve it to bona fide passengers travelling by the train.

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Form and conditions of licences and permits.

**21.** Every licence or permit granted under section 18, 19 or 20 shall—

- (1) be granted on payment of such fees, if any, for such period, and subject to such restrictions and limitations and on such conditions; and
- (2) be in such form and contain such particulars as the Provincial Government may direct either generally or in any particular case.

Counterpart agreement to be executed by licensees.

**22.** Every person taking out any licence or permit under section 18, 19 or 20 may be required to execute a counterpart agreement in conformity with the tenor of his licence or permit, and to give such security for the performance of his agreement as the Collector may require.

Power to cancel or suspend licences and permits.

**23.** (1) The Collector may cancel or suspend any such licence or permit—

- (a) if any fee payable by the holder thereof be not duly paid; or
- (b) in the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit; or
- (c) if the holder thereof is convicted of any offence against this Act, or of any cognizable and non-bailable offence; or
- (d) if the conditions of such licence or permit provide for its cancellation or suspension at will; or
- (e) if the purpose for which the licence or permit is granted ceases to exist.

(2) The Provincial Government may cancel or suspend any such licence or permit without assigning the aforesaid or any other reasons.

Penalty for breach of the conditions of licences and permits.

**24.** In the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit, such holder shall, in addition to the cancellation or suspension of the licence or permit granted

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to him, be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both, unless he shall establish that all due and reasonable precautions were exercised by him to prevent any such breach.

Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence or permit, be liable to the same punishment.

#### CHAPTER IV.—ESTABLISHMENT AND CONTROL.

**25.** The Provincial Government may, from time to time, by notification—

Appointment of officers and withdrawal of powers.

- (a) appoint an officer to exercise all the powers of a Collector under this Act in all local areas in which it is in force and to have the control of the administration of the provisions of this Act in such areas;
- (b) appoint any person other than the Collector of land revenue to exercise within a district all or any of the powers and to perform all or any of the duties of a Collector under this Act, either concurrently with or in exclusion of the Collector of land revenue, subject to such control as the Provincial Government may from time to time direct;
- (c) withdraw from the Commissioner or the Collector of land revenue any or all of the powers conferred on him by this Act;
- (d) appoint paid or honorary officers with such designations, powers and duties as the Provincial Government may think fit;
- (e) order that all or any of the powers and duties assigned to any person under clause (d) shall be exercised and performed by any existing Government official or any other person; and
- (f) delegate to any Prohibition Officer all or any of their powers under this Act.



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Prohibition  
Committees.

**26.** (1) The Collector or other Prohibition Officer in charge of a district may constitute prohibition committees in every taluk thereof to assist him in carrying out the objects of this Act in the district.

(2) Every member of a prohibition committee shall observe the working of this Act in his taluk and report thereon and on every matter connected therewith at the prescribed intervals and at any other time he thinks fit, to the Collector or other Prohibition Officer aforesaid.

(3) Every member of a prohibition committee shall be entitled to give information at any police station in his taluk regarding the commission or suspected commission of any offence against this Act in such taluk, and the officer in charge of such station shall take action on such information and investigate the case in the manner laid down in the Code of Criminal Procedure, 1898.

V of  
1898Power of  
Provincial  
Government  
to authorize  
officers to  
admit  
persons  
arrested to  
bail.

**27.** The Provincial Government may, by notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 32 throughout the Province or in any local area, to admit a person arrested under that section to bail to appear, when summoned or otherwise directed, before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the offence for which such person has been arrested, and may cancel or vary such notification.

#### CHAPTER V.—POWERS, DUTIES AND PROCEDURE OF OFFICERS, ETC.

Issue of  
search  
warrants.

**28.** If any Collector, Prohibition Officer or Magistrate upon information obtained and after such inquiry as he thinks necessary, has reason to believe that an offence has been committed. Any person who has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed. Any person who has been entrusted with the execution of such a warrant may detain and search, and if he thinks proper, arrest any

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person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Act :

Provided that every person arrested under this section shall be admitted to bail by the person arresting, if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer as the case may be.

Before issuing such warrant, the Collector, Prohibition Officer or Magistrate shall examine the informant on oath and the examination shall be reduced into writing in a summary manner and be signed by the informant, and also by the Collector, Prohibition Officer or Magistrate.

**29.** Whenever a Collector, any Prohibition Officer not below such rank as the Provincial Government may determine, any Police Officer not below the rank of sub-inspector, any officer in charge of a police station, or any other paid or honorary officer authorized by the Provincial Government in this behalf has reason to believe that an offence under sub-section (1) of section 4 has been committed and that the delay occasioned by obtaining a search warrant under section 28 will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief, at any time by day or night enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act :

Powers of  
entry and  
search  
without  
warrant.

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer as the case may be.

**30.** The Collector, any Prohibition Officer not below such rank as the Provincial Government may determine, or any Police or other paid or honorary officer authorized by the Provincial Government in this behalf, may enter and inspect, at any time by day

Power to  
enter and  
inspect  
places of  
manufacture  
and sale.

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or by night, any place in which it is reasonably suspected that any person draws toddy or carries on the manufacture of any other liquor or any intoxicating drug, or stores any liquor or intoxicating drug; and may enter and inspect, at any time, any place in which any liquor or intoxicating drug is reasonably suspected to be kept for sale by any person; and may examine, test, measure or weigh any material, still, utensil, implement, apparatus, liquor or intoxicating drug found in such place.

Power to use force in case of resistance to entry.

**31.** If any officer empowered to make an entry under section 28, 29 or 30 cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place.

Arrest of offenders and seizure of contraband liquor and articles without warrant.

**32.** Any Prohibition Officer, any officer of the Police or Land Revenue departments, and any other person authorized in that behalf—

- (a) may arrest without warrant any person found committing an offence punishable under sub-section (1) of section 4;
- (b) may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Act; and
- (c) may search any person, vessel, vehicle, animal, package, receptacle or covering, upon whom, or in or upon which, he may have reasonable cause to suspect any such liquor, drug or other article to be, or to be concealed:

Provided that if the officer or person making the arrest under this section be not empowered under section 27 to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered, if such an officer is known to be within a distance of five miles from the place where such arrest took place. And it shall be the duty of such officer empowered as afore-said to admit such person to bail if sufficient bail be tendered for his appearance before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the case.

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**33.** Any person, who may be accused or reasonably suspected of committing an offence against this Act, and who on demand made by any Prohibition Officer or any officer of the Police or Land Revenue departments or by any other person authorized in that behalf refuses to give his name and residence or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

Arrest of persons refusing to give name or giving false name.

**34.** All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898.

Searches how to be made.

V of 1898

**35.** Officials of all departments of the Provincial Government and of all local bodies shall be legally bound to assist any Prohibition or Police Officer in carrying out the provisions of this Act.

Duty of Officials of all departments and local bodies to assist.

**36.** Every official employed by the Provincial Government or by any local body, other than a Police or Prohibition Officer, shall be bound to give immediate information at the nearest police station or to a Prohibition Officer, of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officials shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Offences to be reported, etc.

**37.** All zamindars, proprietors, tenants, under-tenants and cultivators who own or hold land or house-property on or in which there shall be any tapping for toddy or manufacture of liquor or intoxicating drugs shall in the absence of reasonable excuse be bound to give notice of the same to a Magistrate or to a Prohibition Officer or to an officer of the Police, or Land Revenue departments immediately the same shall have come to their knowledge.

Landholders and others to give information.

**38.** (1) When any person is arrested under the provisions of section 28, 29, 32 or 33, the person arresting him shall, unless bail shall have been accepted under the provisions of section 28, 29 or 32, forthwith forward him to the nearest police station or to a Prohibition Officer, with a report of the circumstances under which such arrest was made.

Persons arrested how to be dealt with.

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Procedure of  
Police station  
officer.

(2) On any such person being brought to a police station as aforesaid, the officer in charge thereof shall either admit him to bail to appear when summoned, before himself, or before the Prohibition Officer if any, or any Police Officer within the limits of the jurisdiction of which Prohibition or Police Officer, the offence with which he is charged is suspected to have been committed, or, in default of bail, shall forward him in custody to such officer.

Procedure of  
Police or  
Prohibition  
Officer  
empowered  
to inquire.

(3) On any such person being brought in custody before a Prohibition or Police Officer as aforesaid or appearing before such officer on bail or when such officer as aforesaid has himself made the arrest such officer shall hold such inquiry as he may think necessary and shall either release such person, or forward him in custody to, or admit him to bail to appear before, the Magistrate having jurisdiction to inquire into or try the case:

Provided that if such inquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such officer, he shall, if sufficient bail be tendered for the appearance of the person arrested, admit such person to bail to appear on any subsequent day before himself or any other officer having jurisdiction to inquire into the case.

Persons  
arrested to  
be admitted  
to bail.

39. It shall be the duty of any officer arresting any person under the powers conferred by section 28 or 29 and of any officer in charge of a police station or any Police or Prohibition Officer before whom a person arrested is brought or appears under the provisions of section 38 to release such person on bail if sufficient bail be tendered for his appearance before a Police or Prohibition Officer or before a Magistrate as the case may be.

Bond of  
accused and  
sureties

40. (1) Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Police or Prohibition

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Officer before whom he was bailed to attend, or by the Magistrate, as the case may be:

Provided that the officer admitting any such person to bail may in his discretion dispense with the requirement of a surety or sureties to the bond executed by such person.

(2) The Provincial Government shall from time to time determine the form of the bond to be used in any local area.

41. When by reason of default of appearance of a person bailed to appear before a Police or Prohibition Officer, such officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to inquire into or try the offence of which the person bailed was accused, and the Magistrate shall proceed to enforce the payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

42. Any Police or Prohibition Officer holding an inquiry in the manner provided in section 38 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control:

Provided that no such officer shall so summon any person to appear before him if the journey to be made for complying with such summons exceeds ten miles by road or fifty miles by rail or such other limits as the Provincial Government may fix.

43. Every summons issued under section 42 shall state whether the person summoned is required to give evidence or to produce a document, or both, and shall require him to appear before the said officer at a stated time and place.

44. Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer. Such answers shall be reduced to writing and shall be signed by such officer.

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When attendance of witnesses to be dispensed with, and procedure in such cases.

45. It shall be lawful for a Police or Prohibition Officer, instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom by reason of rank or sex, it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect to such inquiry; and such person shall be bound so to answer accordingly, and the provisions of section 44 shall apply to such answers.

Power of Police or Prohibition Officer to summon suspected persons.

46. Any Police or Prohibition Officer may after recording his reasons in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Act. On such person appearing before such officer, the procedure prescribed by sections 38 to 45 shall become applicable.

The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 42 to 45 before summoning the person suspected.

Law relating to criminal courts as to summoning of witnesses to apply.

47. The law for the time being in force as to summonses and compelling the attendance of persons summoned in criminal courts shall, so far as the same may be applicable, apply to any summons issued by a Police or Prohibition Officer and to any person summoned by him to appear under the provisions of this Act.

Report of Police or Prohibition Officer to give jurisdiction to competent Magistrate

48. When a Police or Prohibition Officer forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits any such person to bail to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint had been made before him as prescribed in the Code of Criminal Procedure, 1898.

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49. When a Police or Prohibition Officer forwards in custody any person accused of an offence against this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred by the Code of Criminal Procedure, 1898, on an officer in charge of a police station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

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Powers of Police and Prohibition Officers to cause attendance of witnesses before Magistrate.

50. No person accused or suspected of having committed an offence under this Act shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where a Police or Prohibition Officer may be and from thence to the court having jurisdiction to try the case.

Accused not to be detained in custody for a longer period than twenty-four hours without special authority.

51. All officers in charge of police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of a Prohibition Officer, all articles seized under this Act which may be delivered to them; and shall allow any Prohibition Officer who may accompany such articles to the police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police station.

Police to take charge of articles seized.

52. The District Magistrate shall have power to transfer any case under this Act pending inquiry or trial before any Magistrate or Officer in the district to any other Magistrate or Officer therein.

Power of District Magistrate to transfer cases.

53. Nothing contained in this Act shall affect the operation of the Code of Criminal Procedure, 1898.

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Operation of the Code of Criminal Procedure, 1898.

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## CHAPTER VI.—RULES AND NOTIFICATIONS.

Power to  
make rules.

54. (1) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Provincial Government may make rules—

- (a) for the issue of licences and permits and the enforcement of the conditions thereof;
- (b) prescribing the powers to be exercised and the duties to be performed by paid and honorary Prohibition Officers in furtherance of the objects of the Act;
- (c) determining the local jurisdiction of Police and Prohibition Officers in regard to inquiries and the exercise of preventive and investigating powers;
- (d) authorizing any officer or person to exercise any power or perform any duty under this Act;
- (e) prescribing the powers and duties of prohibition committees and the members thereof and the intervals at which the members of such committees shall make their reports;
- (f) regulating the delegation by the Commissioner or by Collectors or other district officers of any powers conferred on them by or under this Act;
- (g) regulating the cultivation of the hemp plant, the collection of those portions of such plant from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom;
- (h) declaring how denatured spirit shall be manufactured;
- (i) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Act or under any rule made thereunder, or by what authorities such orders

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- may be revised, and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith;
- (j) for the grant of batta to witnesses, and of compensation for loss of time to persons released under sub-section (3) of section 38 on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted;
- (k) regulating the power of Police and Prohibition Officers to summon witnesses from a distance under section 42; and
- (l) for the disposal of articles confiscated and of the proceeds thereof.

55. All rules made and notifications issued under this Act shall be published in the Official Gazette and upon such publication, shall have effect as if enacted in this Act.

Publication  
of rules  
and notifi-  
cations.

## CHAPTER VII.—LEGAL PROCEEDINGS.

56. No action shall lie against the Crown or against any Prohibition, Police or other officer, for damages in any civil court for any act *bona fide* done or ordered to be done in pursuance of this Act.

Actions  
against the  
Crown, etc.

57. All courts shall take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under this Act.

Courts to  
take judicial  
notice of  
appoint-  
ments.

## SCHEDULE.

(See section 2.)

| Year.<br>(1)                                               | Number.<br>(2) | Short title or subject.<br>(3)           | Extent of repeal.<br>(4)                                          |
|------------------------------------------------------------|----------------|------------------------------------------|-------------------------------------------------------------------|
| <i>Acts of the Governor of Fort St. George in Council.</i> |                |                                          |                                                                   |
| 1886                                                       | I              | The Madras Abkari Act, 1886              | The whole.                                                        |
| 1905                                                       | I              | The Madras Abkari (Amendment) Act, 1905. | Do.                                                               |
| 1913                                                       | I              | The Madras Abkari (Amendment) Act, 1913. | Do.                                                               |
| 1915                                                       | I              | The Madras Abkari (Amendment) Act, 1915. | Do.                                                               |
| <i>Act of the Madras Legislature.</i>                      |                |                                          |                                                                   |
| 1929                                                       | XVIII          | The Madras Abkari (Amendment) Act, 1929. | The whole.                                                        |
| <i>Act of the Indian Legislature.</i>                      |                |                                          |                                                                   |
| 1930                                                       | II             | The Dangerous Drugs Act, 1930            | So much of Schedule II as relates to the Madras Abkari Act, 1886. |

# THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 29th September 1937.

The House met at three of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

## I.—QUESTIONS AND ANSWERS.

### STARRED QUESTIONS.

*Nutritive value of toddy and grounds for introducing total prohibition.*

\* 81 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have ascertained the food or nutritive value of the several kinds of toddy—palmyra, coconut, date, etc.—tapped in this Presidency;

(b) if so, what has been found on the food or nutritive value of the various kinds of toddy; and

(c) what grounds have led the Government to give effect to their total prohibition policy in Salem district against toddy?

THE HON. DR. T. S. S. RAJAN:—“(a) & (b) There is a trace of substances that may be called food in these toddy varieties, but there is more nourishment in a handful of rice than in a pot of toddy. The amount of poison in the drink far exceeds the small trace of nutrition in it.

“(c) Grounds of public welfare, moral and economic.”

MR. J. A. SALDANHA: “May I inquire from the hon. Minister whether it is not a fact, from the experience of various classes of people, that toddy is found to be of nutritive value, by the labouring classes especially?”

THE HON. DR. T. S. S. RAJAN:—“Nutrition is incomparably small, but the harm is incomparably great.”

MR. J. A. SALDANHA:—“What about its stimulant value, Sir?”

THE HON. DR. T. S. S. RAJAN:—“A cup of honest hot water is much better.” (Laughter.)

*Adoption of Hindi as vernacular for Konkani-speaking pupils in South Kanara.*

\* 82 Q.—MR. J. A. SALDANHA:—Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether Konkani is the spoken language of some people in South Kanara and if so, for how many; and

(b) whether Hindi, a sister language of Konkani is allowed to be adopted as a vernacular for Konkani-speaking pupils in schools in place of Kanarese?

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THE HON. DR. P. SUBBARAYAN:—“(a) At the last census Konkani was found to be the mother tongue of 201,373 persons in the South Kanara district.

“(b) According to a modification in the S.S.L.C. Scheme made last year, Hindi can be offered as a language for the ‘A’ Group subjects by a pupil whose mother tongue is not a recognized South Indian language.”

MR. J. A. SALDANHA:—“Has not Hindi been made obligatory in the curricula of studies for certain forms—First, Second and Third Forms—in South Kanara district?”

THE HON. DR. P. SUBBARAYAN:—“Not yet, the hon. Member is running faster than he could.”

MR. J. A. SALDANHA:—“Have not Government issued a communiqué for compulsory study of Hindi in certain classes?”

THE HON. DR. P. SUBBARAYAN:—“Not, so far as I am aware of.”

*Appointments of Bench Magistrates in South Kanara and the progress of their work.*

\* 83 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Courts and Prisons be pleased to place before the House a statement showing the names, communities, profession or occupation, status, age, qualifications and the date of appointment of the several Magistrates of the Benches of Magistrates in the South Kanara district and to state—

(a) how the work of the Benches has been reported upon as to the quantity and quality of the work done in 1936; and

(b) what measures have been proposed by the District Magistrate and are contemplated by the Government for curing the defects, if any, in the selection of the Magistrates and their work?

THE HON. MR. K. RAMAN MENON:—“The information available with Government is furnished in the statement<sup>a</sup> annexed.

“(a) Government have not yet received the report for the year 1936.

“(b) The District Magistrate has not made any proposals in this regard nor is any proposal under the consideration of Government. Government have, however, recently issued a circular to all District Magistrates that in selecting persons for appointment as Bench Magistrates the District Magistrate should consider not only applicants but also others whom he considers suitable for appointment and after ascertaining their willingness to accept the post, make recommendations to Government accordingly.”

<sup>a</sup> Printed as Appendix I on pages 430-432 infra.

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*Proposal, if any, for the construction of a bridge across Baliapatam river in North Malabar.*

\* 84 Q.—RAO BAHADUR M. RAMAN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether any investigation regarding the construction of a bridge across the Baliapatam river in North Malabar was ever made by or is pending before the Government; and

(b) if so, whether the Government will be pleased to place on the table the report on the investigation?

THE HON. MR. B. GOPALA REDDI:—“(a) The answer to both the parts of the question is in the negative.

“(b) The question does not arise.”

*Irrigation schemes, if any, in contemplation by the Government on the West Coast.*

\* 85 Q.—RAO BAHADUR M. RAMAN: Will the Hon. the Minister for Public Works be pleased to state whether there are any irrigation schemes in view on the West Coast where crops often fail from failure of monsoon and where drinking water is also not available at times?

THE HON. MR. YAKUB HASAN:—“The Malampuzha Project in the Malabar district, the consideration of which was postponed in 1926, is being re-examined by the local officers.”

*Legislation, if any, under contemplation by the Government for fixing a limit to borrowing.*

\* 86 Q.—RAO BAHADUR M. RAMAN: Will the Hon. the Prime Minister be pleased to state whether it is under the contemplation of the Government to fix a limit to borrowing by introducing a Bill for the purpose in the Legislature as contemplated in section 163 of the Government of India Act, 1935.

THE HON. MR. C. RAJAGOPALACHARIAR:—“Under section 163 (1) of the Government of India Act, 1935, it is not obligatory for the Government to introduce legislation to fix a limit to their power to borrow. The Government do not at present contemplate introducing any such legislation.”

DR. SIR K. V. REDDI NAYUDU: “Does not Government think that it is desirable or advisable to have a limit up to which they might borrow?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“As I understand the question, Sir, I can only say that the Government of India Act gives that power to the Legislature as well as to the Government of the Province, and it is open to the Legislature to pass a measure of the kind proposed, but such a contingency has not yet arisen.”



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DR. SIR K. V. REDDI NAYUDU: "My question was different; I asked whether Government do not think that it is desirable to place a limit upon the borrowing capacity of the Government."

THE HON. MR. C. RAJAGOPALACHARIAR:—"The question is about the opinion of the Government and does not ask for any information so far as I see, Sir."

DR. SIR K. V. REDDI NAYUDU: "I am sorry the Hon. Minister has misunderstood me; probably I have not made myself clear. My question is whether Government have at present or in the near future, any intention to consider the question, namely, that it would be desirable to have a limit put to their borrowing capacity?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I have already stated that the Government do not at present contemplate introducing any such legislation. If the question is about the opinion of the Government, I submit it should be raised in a proper debate and not in an interpellation."

*Collection of water charges at reduced rate in Polavaram island.*

\* 87 Q.—MR. D. SRIRAMAMURTI: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that in the last fasli, 1346, while the water-rate was reduced in the Polavaram island from Rs. 7-8-0 to Rs. 5-12-0 an acre, the rate for second crop was calculated at half of Rs. 7-8-0 and not half of Rs. 5-12-0; and

(b) whether local-cess was charged for the first crop on Rs. 7-8-0 and not on Rs. 5-12-0 and for the second crop on half of Rs. 7-8-0 and not on half of Rs. 5-12-0?

THE HON. MR. T. PRAKASAM:—" (a) The Government have no information but they have called for a report.

" (b) Yes, so far as the Government are aware."

*Wet rate on lands in ryotwari tracts in deltas of Godavari and Kistna districts.*

\* 88 Q.—MR. D. SRIRAMAMURTI: Will the Hon. the Minister for Revenue be pleased to state whether it is a fact that in the ryotwari tracts in the deltas of the Godavari and Kistna districts, the consolidated wet rate on poor lands is in some cases less than and in some cases nearly equal to the water-rate?

THE HON. MR. T. PRAKASAM:—"Some of the wet rates in the tracts referred to are less than or equal to the water-rates."

[29th September 1937]

*Abolition of Excise staff in Salem district and provision made for absorbing them in other departments.*

\* 89 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that the Excise staff in Salem district has been ordered to be abolished from 1st October; if so, why and to whom the duty of prevention would be entrusted, whether to any non-official organization or the police;

(b) whether preventive function is now entrusted to person or persons who are not subject to any disciplinary control by any Government body;

(c) whether any attempt has been made or will be made to absorb the staff abolished from Salem district if so abolished, in vacancies in other departments or in the same department;

(d) what is the number and cadre of persons in the Excise department now serving in Salem district; and

(e) whether security of tenure of service is or is not the policy of the present Government?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a) The attention of the hon. Member is invited to the Press Communiqué issued on 13th September 1937 which has been published in the *Fort St. George Gazette*, dated the 14th September 1937.

" (b) The answer is in the negative.

" (c) Orders have been issued for the absorption of the present Excise staff in the Salem district in the staff of the same department in other districts.

" (d) The present Excise staff in the Salem district consists of—

|                     |     |     |     |     |     |     |
|---------------------|-----|-----|-----|-----|-----|-----|
| Inspectors          | ... | ... | ... | ... | ... | 3   |
| Assistant Inspector | ... | ... | ... | ... | ... | 1   |
| Sub-Inspectors      | ... | ... | ... | ... | ... | 31  |
| Clerks              | ... | ... | ... | ... | ... | 12  |
| Peons               | ... | ... | ... | ... | ... | 179 |

" (e) Security of tenure of service is the policy of the Government, but not without reference to other equally important principles in regard to national welfare."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"Is it because of want of confidence in the staff that the work is not entrusted to the Excise Department?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"It is a matter of opinion."

MR. J. A. SALDANHA:—"May I know how long this absorption of staff is to go on?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"I do not see how that question arises."

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MR. J. A. SALDANHA:—“ Sir, now the present excise staff of the Salem district has been absorbed in the staff of the same department in other districts. May I know what is to become of them, when prohibition is to be extended to those districts where they are now absorbed? Are they to be disbanded from there and absorbed again in the same department in some other districts where prohibition has not been introduced? ” (Laughter.)

MR. PRESIDENT:—“ It is a hypothetical question.”

*Temperance propaganda, if any, under contemplation among the consuming classes.*

\* 90 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state whether in view of the fact that the declared policy of the Government is total prohibition, any temperance propaganda is contemplated among the consuming classes in areas where abkari and opium shops are allowed to work?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ It is not the intention that temperance propaganda should be undertaken by Government as was done some years ago at Government cost.”

RAO BAHADUR M. RAMAKRISHNA REDDI:—“ If the present abkari and opium shops that are allowed to work in the areas are picketed, will they be allowed to continue? ”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ Government have no idea of doing temperance work.”

MR. J. A. SALDANHA:—“ Are Government going to encourage the establishment of more tea and coffee shops through non-official agencies? ”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ Non-officials can do so; but Government do not propose to spend any money on such propaganda.”

RAO BAHADUR M. RAMAKRISHNA REDDI:—“ If non-officials take to picketing, what is the attitude of the Government then? ”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ Then the question will be considered.”

### UNSTARRED QUESTIONS.

*Collection of railway cess by South Kanara District Board and its utilization.*

39 Q.—MR. D. MANJAYYA HEGDE: Will the Hon. the Minister for Local Administration be pleased to state—

- (a) whether the Government are aware that railway cess was levied and collected by the District Board of South Kanara some time back;
- (b) what the purpose was of such levy and collection;
- (c) whether it was utilized for such purpose;

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(d) what the total amount is of railway cess collected by the said district board; and

(e) whether any appropriation out of such amount has been made by the district board for any other purpose; if so, for what, and did such appropriation have the sanction of the Government?

A.—(a) Yes.

(b) For the construction of tramways or rail-roads.

(c) No.

(d) The accumulations of the proceeds of the tax at the commencement of the Madras Local Boards Act, 1920 (when the levy of this tax was abolished) amounted to Rupees 2,87,363-6-10.

(e) The proceeds of the tax have been utilized by the district board with the sanction of Government for the construction and repair of bridges. There was a small balance of Rs. 3,582-0-1 on 31st March 1937.

*Officers, if any, engaged on food research and literature, if any, published by those officers on the subject.*

40 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether there are any Government officers who are engaged on food research and, if so, who and how many they are and what pay they draw;

(b) where these officers are stationed and with what establishments and laboratories;

(c) whether any books, pamphlets or bulletins have been published by any of these officers on the subject of food research and values; and if so, which they are and at what price they are sold; and

(d) what means are adopted to give publicity to such publications?

A.—No officer of this Government is now engaged on food research and consequently clauses (b) to (d) of the question do not arise.

*Reduction of grazing fees in Nallamalai Hills in Nellore district.*

41 Q.—MR. L. SUBBARAMA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the number of cattle from the Nellore district allowed to graze in Nallamalai Hills during the years 1935-36 and 1936-37;

(b) the rate charged per head of cattle;

(c) the amount actually collected during the period mentioned in clause (a);

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(d) whether the ryots of the Nellore district have submitted any petitions or memoranda praying the Government for reduction of grazing fees in the Nallamalai Hills;

(e) what action the Government have taken or are going to take in this matter;

(f) the number of drinking ponds in the Nallamalai Hills within the reach of cattle;

(g) the distance between pond and pond; and

(h) whether the ponds have been repaired during the years 1935-37; if so, the amount spent for the purpose?

A.—(a) The Nallamalai Hills lie in four forest divisions, viz., Kurnool East, South and West and Cuddapah North divisions. No separate figures for Nellore cattle are maintained in Kurnool East division. The number of cattle allowed to graze in the other three divisions was as follows:—

| Year.   | Number of cattle. |
|---------|-------------------|
| 1935-36 | 6,968             |
| 1936-37 | 9,438             |

(b) One rupee.

(c) It is not possible to state the amount collected in Kurnool East division as no separate accounts are maintained. The amount collected in the other three divisions was as follows:—

| Year.   | Amount. |
|---------|---------|
|         | RS.     |
| 1935-36 | 6,968   |
| 1936-37 | 9,438   |

(d) Yes.

(e) The Government do not propose to take any action.

(f) There are 37 kuntas and 5 ponds besides perennial springs near penning grounds in the Kurnool South division.

(g) The distance varies from half a mile to 6 miles. In the South Kurnool division, the springs are within a furlong or two of the penning grounds.

(h) One pond was repaired in Kurnool East at a cost of Rs. 99 and an amount of Rs. 26-9-0 was spent towards repair of step well in Kurnool South. No amount was spent in Kurnool West or Cuddapah North. No repairs were found necessary for the springs in Kurnool South.

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

## II.—GOVERNMENT RESOLUTION *RE* MAXIMUM AMOUNT OF GUARANTEE IN RESPECT OF DEBENTURES ISSUED BY THE MADRAS CENTRAL LAND MORTGAGE BANK.

THE HON. MR. V. V. GIRI:—“ Sir, I beg to move that—

‘ This Council recommends to the Provincial Government that they may, under sub-section (2) of section 6 of the Madras Co-operative Land Mortgage Bank Act, 1934, increase the maximum amount of the guarantee given by them in respect of the debentures issued by the Madras Co-operative Central Land Mortgage Bank, Limited, to a total face value of Rs. 150 lakhs exclusive of such debentures as the Bank may from time to time redeem, such debentures being issued for periods not exceeding in any case 25 years from the date of issue and bearing interest at a rate not exceeding 5 per cent per annum :—

‘ Provided that this increase shall not be given effect to, unless and until the suggestions made by the Reserve Bank of India and now understood to be under discussion between the Madras Co-operative Central Land Mortgage Bank and the Government in the matter of a Sinking fund and the rate of interest to ultimate borrowers are satisfactorily settled.”

“ Sir, I do not propose to make any statement or any lengthy speech for the reason that the explanatory note<sup>a</sup> attached to the resolution explains the matter. I formally commend the resolution to the acceptance of the House.”

MR. T. A. RAMALINGAM CHETTIYAR:—“ Sir, the proviso as drafted by Government is likely to lead to some misunderstanding as regards the position of the Government in the discussion that is now going on, and so to obviate that misunderstanding I move—

‘ Substitute the following for the proviso:—

“ The additional guarantee may be given after deciding upon the schemes to be adopted for ensuring repayment of the debentures.”

“ The position as at present existing will be made clear by this additional clause. Sir, following what the Hon. the Minister has done, without saying anything more at the present moment, I propose that this amendment may be adopted.”

MR. T. C. SRINIVASA AYYANGAR:—“ I second it.”

THE HON. MR. V. V. GIRI:—“ I accept it.”

<sup>a</sup> Printed as Appendix II on page 433 infra.

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- 3-15 The amendment was put and carried.  
p.m. The resolution as amended was put and carried.

### III.—THE MADRAS PROHIBITION BILL, 1937.

\* MR. PRESIDENT:—“ The House will now resume consideration of the Madras Prohibition Bill, 1937, as passed by the Assembly. For the sake of convenience I will take clause 1 last.”

Clause 2 was taken up for consideration.

MR. J. A. SALDANHA:—“ What about clause 1? ”

\* MR. PRESIDENT:—“ Clause 1 will be taken up last.”

Clause 2 was put and carried.

#### Clause 3.

\* DR. SIR K. V. REDDI NAYUDU:—“ Mr. President, Sir, I beg to move—

*‘ that in the definition of the “ Prohibition Officer ” in sub-clause (14) of clause 3 which reads “ “ Prohibition Officer ” means the Commissioner, a Collector, or any officer or other person lawfully appointed or invested with powers under section 25. ”, the words “ or other person ” be omitted. ’*

“ My object in moving this amendment, Sir, is to see that such an important place as that of a Prohibition Officer should not be entrusted to any non-official however respectable he may be. Hon. Members will find that very extensive powers are given to those prohibition officers under the Bill. For instance, Sir, he can issue a warrant for search under clause 25 of the Bill. He has power to enter and search without a warrant at any time of day or night and seize anything and arrest any person whom he suspects. That is clause 29. He or under his orders, any one can enter and inspect at any time of day or night any place as is provided in clause 30. He or someone authorized by him has power to break open an outer or inner door or windows under clause 31. That, Sir, I think was the point which was referred to by our sister who spoke yesterday. Next he or somebody whom he authorizes may arrest without warrant any person found committing an offence, seize and detain any liquor under clause 32. Similarly he or anybody authorized by him may arrest any person on suspicion if he refuses to give his name or if the officer thinks that such person is giving a false name. That is under clause 33. He may summon any person to appear before him on suspicion of having committed an offence, under clause 46. He and all those authorized by him are protected against any civil action for anything they might do. That is clause 56. I beg to submit, Sir, that these are enormous powers and in a country like ours where factions are not uncommon and where spite, enmities and divisions play their part almost every day, it is too dangerous a weapon to be placed in the hands of any non-official, over whom the

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Government cannot expect to have the same kind of control as they have actually over their own officials. Well, Sir, it might be said, ‘ Have not cases arisen in which police officers have been charged with similar things with having interfered with and concocted cases and so on? ’ But, Sir, I believe that the police officer or any other Government officer has got the fear or apprehension in his mind that if he be detected or if even a suspicion is traced to him, there is danger of his promotion being stopped perhaps of his being dismissed and his whole future career might depend upon this. Those are guarantees for expecting the police or other Government officers to behave according to law and not be an easy prey to any private animosities or feuds. Above all the Government officer at any rate is not expected to be a party man and when party governments are in authority as they must be under any parliamentary system, I submit that such a power, given into the hands of a private individual is beset with serious consequences and difficulties or at any rate with apprehension on the part of others. It is only right, Sir, that this Council should not give its assent to the appointment of non-officials to high posts like the prohibition officers. Well, Sir, I do not think that it is necessary further to stress the point. It may be said that in the old Act are to be found such words as were referred to regarding the Abkari Officer. They state that the Abkari Officer might be the Collector or a Member of the Board of Revenue or any other person that might be appointed. Sir, I always understood that any other person there meant one who is not an officer mentioned previously but another servant of the Government. I may be right or I may be wrong because I was not present at the time when that Act was passed. I suppose none of the members of the Council can be expected to have been there when that Bill was passed into an Act. Though it is several years since the Act has been passed, no non-official has ever been appointed as an Abkari Officer. That one circumstance ought to suffice to say that it was not the intention of the Government, the Government of the time or subsequent Governments, to appoint non-officials. Therefore the analogy does not apply. I beg to move the amendment that stands in my name.”

MR. M. D. KUMARASWAMI MUDALIYAR:—“ I second it.”

\* THE HON. MR. C. RAJAGOPALACHARIAR:—“ Sir, there is a large number of amendments and therefore I crave the permission of the Chair to reply straightaway and I submit that our having discussion on every detail may be unnecessary. With regard to this, as the mover of the amendment has admitted, the present Act describes the powers as mentioned in the Abkari Act, viz., ‘ Abkari Officer means the Commissioner, the Collector or any officer or other person lawfully appointed or invested with powers, etc. ’ Here also we have a Bill which deals, not by way of amendment of the Abkari Act, but which covers the whole scheme of the Act. It is unnecessary to imagine that the Government is out on the strength of this section to appoint a number of honorary officers and leave the country to the tender mercies of irresponsible people. The mover said that though this power

[Mr. C. Rajagopalachariar] [29th September 1937]

had been taken from the legislature, it might be exercised by the executive in a certain way. Though it may be possible to appoint any number of grades of provincial officers, the idea is to appoint officers without being paid. There is no particular magic in a constable drawing Rs. 20 or Rs. 25 being quite fit to discharge his duties. For instance, a title-holder who has rendered service to the State should not be considered to be not fit for being entrusted with powers. This is intended to cover the cost and the rule is perfectly justified to find a place in the general Act."

\* MR. J. A. SALDANHA:—"The analogy of the Abkari Act and the present Bill I think is carried too far. The Abkari Act was a fiscal measure. The present Bill is a Prohibition Bill and if it is carried out with fanaticism by the Congress party in power persons in the mufassal might carry things to excess. These excesses are quite possible and probable especially after election campaigns for the Assembly when vindictiveness will be rampant and persons who under ordinary circumstances will not be felt will carry things to excesses and lose their sanity on account of elections in the mufassal. Of course we all know to what excesses things are carried."

3-30  
p.m.

"So, Sir, when carrying out this prohibition measure, if these persons are not actuated with an honest motive, they are sure to abuse their powers. We know from past experience to what lengths such things have been carried to by such persons. I therefore consider that this analogy is not appropriate to the question now before the House. I would therefore strongly urge that this amendment may be supported by the House."

\* DR. SIR K. V. REDDI NAYUDU:—"Mr. President, Sir, I have listened very carefully to the reply given by the Hon. the Prime Minister . . ."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I do not wish to stop the flow of reasons when I rise up now. What I wish to submit to the Chair is that in view of the number of amendments that have to be gone through, we should remember that the Movers of amendments have no right of reply."

\* DR. SIR K. V. REDDI NAYUDU:—"Thank you, Sir. If I have no right of reply, I will not reply, Sir. But I want the ruling to be recorded."

\* MR. PRESIDENT:—"An amendment, not being a substantive motion, the mover of it has no right of reply."

MR. J. A. SALDANHA:—"Is that your ruling in regard to the present, or is it intended for the future also?"

\* MR. PRESIDENT:—"Always."

The amendment was put and declared lost.

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Dr. Sir K. V. Reddi Nayudu demanded a poll and the House divided thus:—

Ayes.

- |                               |                                 |
|-------------------------------|---------------------------------|
| 1 Sir Frank Birley.           | 6 Dr. Sir K. V. Reddi Nayudu.   |
| 2 Dr. C. Ramalinga Reddi.     | 7 Rao Bahadur M. Raman.         |
| 3 Mr. S. J. Gonsalves.        | 8 Mr. J. A. Saldanha.           |
| 4 " Medai Dalavai Kumaraswami | 9 Khan Bahadur Moulvi Ghulam    |
| Mudaliyar.                    | Jilani Quiraishi Sahib Bahadur. |
| 5 Khan Bahadur Hameed Sultan  | 10 Mrs. Mona Hensman.           |
| Maracair Sahib Bahadur.       |                                 |

Noes.

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| 1 The Hon. Dr. T. S. S. Rajan.      | 19 Mr. P. Peddi Raju.              |
| 2 Mr. A. Rangaswami Ayyangar.       | 20 " P. Virabhadraswami.           |
| 3 " K. Madhava Menon.               | 21 " K. P. Mallikarjunudu.         |
| 4 " V. V. Jogayya Pantulu.          | 22 " N. Venkatachalamaji.          |
| 5 " R. Srinivasa Ayyangar.          | 23 " V. Venkatapunnayya.           |
| 6 " K. V. Srinivasa Ayyangar.       | 24 " C. Perumalswami Reddiyar.     |
| 7 " B. Bheema Rao.                  | 25 " K. S. Sivasubramania Ayyar.   |
| 8 " N. Sankara Reddi.               | 26 " N. Subbaraju.                 |
| 9 Rao Bahadur V. Vasantha Rao.      | 27 " S. K. Satagopa Mudaliyar.     |
| 10 Mr. S. A. S. Rm. Ramanathan      | 28 Sir Mahomed Usman.              |
| Chettiyar.                          | 29 Khan Bahadur T. M. Moidoo Sahib |
| 11 " L. Subbarama Reddi.            | Bahadur.                           |
| 12 " K. Venkataswami Nayudu.        | 30 Mr. B. Narayanaswami Nayudu.    |
| 13 " T. A. Ramalingam Chettiyar.    | 31 " Munshi Abdul Wahab Sahib.     |
| 14 " T. C. Srinivasa Ayyangar.      | 32 Rao Bahadur M. Ramakrishna      |
| 15 Rao Sahib A. S. Alaganan Chetti- | Reddi.                             |
| yar.                                | 33 Mr. S. K. Ahmed Meeran Sahib.   |
| 16 Mr. D. Sriramamurti.             | 34 " D. Manjaya Hegde.             |
| 17 " V. Gangaraju alias Gangayya.   | 35 " M. Narayana Menon.            |
| 18 " L. Subba Rao.                  | 36 " M. Narayana Rao.              |

Ayes 10. Noes 36.

The amendment was lost.

Clause 3 was then put and carried.

Clause 4.

MR. B. NARAYANASWAMI NAYUDU:—"Mr. President, Sir, I beg to move the following amendments standing in my name, namely:—

'In sub-clause (1) of clause 4, in clause (d) delete the following:  
"or permits or suffers to be tugged any toddy-producing tree belonging to him or in his possession."

'In clause (e), delete the words "or permits or suffers toddy to be drawn from any tree belonging to him or in his possession."

'Delete clause (k).'

"Mr. President, Sir, the object of my amendment is to impress upon the House the necessity of bearing in mind the revolutionary change that has been effected between the Abkari Act which was originally passed and the Prohibition Bill which is going to be passed into law. I shall deal with one amendment after another, Sir. My first amendment relates to deleting the words 'or permits or suffers to

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be tapped any toddy-producing tree belonging to him or in his possession' in clause (d). Sir, if you refer to the old Abkari Act, section 15, you will find that it refers only to the toddy drawn from any tree without any licence and it is only in this Bill that tapping of toddy-producing tree, etc., are introduced. It will therefore be necessary to bear in mind in this connexion the presumption which has been made in clause (2) of section 4, a presumption which says that unless the accused person is going to prove his innocence, he will be deemed to be guilty. Now, Sir, I wish to bring to the notice of this House another important section, namely, section 7, which makes it a crime if there is a conspiracy between two persons in order to do this thing. The result of these sections will be that even the consumption of liquor is made a crime for the first time under this Act and so, in order to carry out the programme, it is also necessary to make the tapping of toddy-producing tree at night and also drawing toddy from it at night, a crime. It does not stop with this the Act goes even further and brings within its operation certain persons who I think ought not to be brought at all. Not only the toddy-drawer is made a criminal, but the person who permits him to draw it is also liable and not only that, but also the person who suffers him to draw, comes under the provisions of this section for these two persons are also liable and are supposed to have committed the crime. The matter does not rest there. Under proviso to sub-clause (2), it is stated that 'it shall be presumed until the contrary is shown that a person accused of any offence has committed the offence.' Now, Sir, I ask this Hon. House to say whether it is necessary to go so far as that and to penalize not only the person who gets up a tree and taps it, but also the person who honestly is a person who probably does not know anything about the tapping at all or probably might have been away at the time from the House? After all what is the offence that the person has committed? Supposing a person gets up a tree and taps it, and the person in whose garden the tree is tapped does not interfere with the tapper, it is presumed that he suffers him to get up the tree and tap it. For this, he has to prove his innocence. Sir, it is an inversion of the elementary right of criminal justice according to which a man should not be deemed to be a criminal unless he is proved to be so. Here we have got an inversion of it. I can understand the toddy-drawer being made a criminal, but I cannot understand how responsibility is sought to be fastened upon the house-holders and it is really, as I said yesterday, a proselytizing Act. Not only you want the evil to be eradicated, but you also want the whole nation to be armed for the purpose on pain of being sent to jail. Is that position really necessary or is it really in the best interests of the country? You said that you would not offend religious sentiments; but the drink evil is there and how can you bank upon such people for carrying out your object? Why do you want to make everybody criminal; why do you want to presume your neighbours to be criminals? My submission to you is, the same arguments apply to my other amendment under this sub-clause

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"Again, Sir, this punitive measure that is contained in sub-clause (k) is a serious piece of legislation, because it makes it a crime if a person allows any of the acts aforesaid upon premises in his immediate possession, he shall be punished. My submission is that there is already another section which provides for this. It is a crime if you simply permit a person to draw toddy in a tree in your possession; even that is not sufficient, it is a crime if you suffer him to draw toddy. Thus it brings within its scope any person who has got a palmyra or a palm tree either in his house or in the backyard of his house or in his field or anywhere because he has to be practically a sentinel against his own property and he has to prevent any person getting up a tree. I submit, Sir, this is a penalty upon individual freedom and upon individual association of the citizens of this Presidency. I therefore submit that in the Act of 1886 these words are not at all found and these words have been deliberately introduced now. Especially when you are relying for these things upon the co-operation of the people I do not see any reason why innocent people should be made criminals and that too on presumption raised. With these words, I move the amendments to sub-clauses (d) and (e)."

MR. PRESIDENT:—"The hon. Member may move his other amendment to this sub-clause (1)."

MR. B. NARAYANASWAMI NAYUDU:—"Thank you, Sir. This sub-clause (k) is another tremendous section. Sub-clause (k) penalizes anybody who 'allows any of the acts aforesaid upon premises in his immediate possession.' Supposing a man brings a bottle of liquor—it may be that he is a person that is in possession of a permit—and absent-mindedly leaves it in my house. At once I shall be prosecuted and I shall have to prove to the satisfaction of the court that I am innocent. You had nothing to do with it; but all the same the liability to prove that you are innocent is yours. Not only that, you might have invited some relative for a dinner and supposing he comes with a bottle of liquor and says that he should be allowed to drink before the dinner. Am I to turn him away or incur the liability of proving that I am innocent for under this section, it is an offence to have allowed him to drink in the premises in my possession. Seeing that the whole principle of criminal law is being reversed by the fact that the onus of proof is placed upon the accused, these are not small things and it cannot be said that this Act is not going to be worked without any rigour. You will see that in this province for the first time those things which have not been crimes are made crimes involving an inroad upon the privileges of individuals and of society. I ask, Sir, whether the success of this Bill depends upon inroads on private rights? I do not think so. On the other hand, the price that you are going to pay for the introduction of this scheme is very heavy and will react terribly in the days to come when this Act is to be put into force and when inevitably you will have to fight tooth and nail against every interest."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I second the motion."

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DR. C. RAMALINGA REDDI:—"Is the Premier keen on retaining the phraseology of this section? 'Suffers' seems to imply that unless he takes active steps to prevent the occurrence of the crime, he would be regarded as guilty. I am perfectly willing to take the interpretation of the Premier as the proper one; but I do not suppose that the High Court will be bound by it. Secondly, with the idealistic background of this measure does he think it necessary to reverse the principles of criminal law and to presume people to be guilty unless they prove that they are innocent. With his experience and judgment, I hope that the Premier will meet . . ."

DR. SIR K. V. REDDI NAYUDU:—"May I interrupt the hon. Member for a minute. I have tabled an amendment for the deletion of sub-clause (2) of clause 4, regarding the question of burden of proof. It will be time enough then to raise the question of burden of proof."

\* MR. PRESIDENT:—"It will come later on and a discussion on this question may be raised then."

DR. C. RAMALINGA REDDI:—"I do not want to press the point. Because we want to get the business through and I understand that the points raised by my hon. Friend are crucial, it will be better if the Premier will generously meet us full way or at least half way."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"The amendments that have been raised are based on the principle which has been so lucidly explained by my hon. Friend, Mr. Narayanaswami Nayudu. The question is whether in this venture—a certainly proselytizing venture of changing the habits of people—we are proposing a reasonable measure when we say that not only should it be proved before a person is to be found guilty under the provisions of this Act that he has done something himself but has allowed another person to do it. I shall explain myself more clearly. The question is whether it is necessary to prove that the accused person tapped toddy or whether it is enough to prove that he stood aside when his tree was being tapped by some other person. Clause (d) says—

'taps . . . or permits or suffers',

and clause (e) says—

'draws . . . or permits or suffers' and

clause (k) says—

'allows any . . .'

"I submit that the words 'permit,' 'suffer' and 'allow' are positive terms. I do not think that there is any difference of opinion in the courts about this. It does not simply mean that the owner is to be found guilty the moment it is found that somebody else tapped his tree. It means that he must not only be the owner but also he should have permitted the thing being done; he should allow the thing to be done though he himself may not do it; he must suffer the thing to be done, though he himself may not do it."

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DR. C. RAMALINGA REDDI:—"Are not the words 'permit' and 'allow' active while 'suffer' is passive?"

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"It seems to me that the fear expressed about the word 'suffer' is not well based. I submit that the word 'suffer' is a little more active even than 'allow.' In all these cases, the intention is that the owner should have allowed a certain thing to happen, while he, as the owner, was entitled to prevent it. It does not mean that the man is to be punished simply because he is the owner of the trees; something more has to be proved, namely, that he permitted, suffered or allowed it, though he himself did not do it. He would not be said to have permitted or allowed the tapping if he has given a lease or was absent. It is only when he is in a position of dominance and in actual possession of control and when instead of himself doing it, he allows another man to do it, that he will be deemed to have permitted it. I do not think that the section is intended to cover anything else than what hon. Members would consider to be adequate for purposes of this section. It is no doubt somewhat difficult to judge the meaning of the word and we start with the idea that the presumption should not have been allowed to be made into an offence. Supposing, where one person broke another person's arm or knocked him down, I say that a person standing by is liable for permitting it to take place, I can understand the objection. For, the person standing nearby neither actively assisted the aggressor nor did he hold him under check and prevent him from escaping. Neither was he in control of the other person's body so that the question of his preventing the attack does not arise. But in this case it is quite different. The tree is yours. If, without your doing it, you allow another person to do it, I say, Sir, it is just like yourself doing it. In the case of a tree which belongs to you, permitting it to be tapped is an offence in so far as the object of this section is concerned as tapping it yourself. I can only give an assurance as the hon. Member has asked me to give—as he himself has said that we must assure ourselves that the law will be enforced in a proper way—that it is not the intention to make a presumption beyond what I have just explained. The positive act of permission has to be proved. Another person should have been allowed to do a thing though he himself did not do it."

DR. C. RAMALINGA REDDI:—"Seeing that 'suffer' is synonymous with 'permit' or 'allow,' will not those expressions be enough? While they are equal to one another those words may do quite well."

THE HON. MR. C. RAJAGOPALACHARIAR:—"It would have been quite possible for me to accept the amendment if it were made in the other Chamber. This House being a revising Chamber, if such an amendment were to be effected, we shall have to go through the entire procedure of a Bill amended in the Upper House, which will mean much delay. If they are synonymous, the use of the word 'suffer' does not at all matter."



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KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—“ Though I do not apprehend any trouble from the use of the other words, I doubt myself about the word ‘ suffer.’ The owner of a garden may be in Madras; while his gardens in Salem or Trichinopoly may be tapped by some other person and he may be brought to trouble for a thing for which he is not at all responsible and he does not know anything about it himself. That man would be liable under this particular word.”

\* THE HON. MR. C. RAJAGOPALACHARIAR:—“ The word ‘ suffer ’ would not certainly cover the case referred to by the Leader of the Opposition. But it would cover a case where due notice has been issued to the owner that tapping was being carried on daily and in spite of it, he does not take any steps to prevent it. Then alone would he be considered to be suffering the tapping of his gardens.”

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—“ May I know, Sir, whether the Government would be issuing instructions to the Prohibition Officers to issue notices to absentee landlords about what is going on in their gardens and give them sufficient time to prevent it.”

\* THE HON. MR. C. RAJAGOPALACHARIAR:—“ Most certainly, Sir. In such a case as that, due notices would be given and the owners will have an opportunity of setting things right.”

The amendments with reference to clause 4 (1) (d) and (e) and the omission of (k) were put and lost.

\* DR. SIR K. V. REDDI NAYUDU:—“ I beg to move—  
‘ that sub-clause (2) of clause 4 be omitted.’ ”

“ The sub-clause says that it *shall* be presumed until the contrary is shown that the accused is guilty under certain circumstances. I beg to submit that this is contrary to all conceptions of criminal justice. It is a fundamental principle under the criminal law of the land that an accused person should be presumed to be innocent until the contrary is shown. Hon. Members will notice that the words used are ‘ shall be presumed.’ The accused person is presumed to be guilty and the burden of proof is thrown upon him and he will have to prove that he is innocent. As I said, Sir, such a thing is contrary to the principles of British jurisprudence. It is no doubt true that in certain fiscal matters the burden of proof is thrown upon the accused. The Abkari Act is no doubt a fiscal measure. But the present Bill is certainly not a fiscal measure. A fiscal measure is one that brings in revenue to Government but the present measure is one which deprives the Government of a revenue of five crores of rupees. By no stretch of imagination can this Bill be called a fiscal measure. Therefore, the analogy does not hold good here. I submit that the presumption should be the other way, that is to say, that the prosecution must prove the guilt with sufficient material or at least produce sufficient evidence to shift the burden of proof on to the accused. Such a provision as this will cause great hardship and I submit that the House should accept my amendment.”

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MR. B. NARAYANASWAMI NAYUDU:—“ Sir, I have also 4 p.m. tabled an amendment with regard to sub-clause (2) of clause 4, and that is to delete the sub-clause (b) altogether. And this relates to certain acts mentioned in clause (k) of clause 4, that is, ‘ whoever allows any of the acts aforesaid upon premises in his immediate possession ’, etc. This includes consumption of liquor, so that if a man drinks without the knowledge of the owner of the premises, then too he is made liable. Sir, supposing while I am speaking here in this House, if somebody in the gallery gets drunk, then under this clause, myself and all of us are liable to be hauled up before the Magistrate and punished. The plea that none of us were aware of the act of the persons and that if only we had known that that particular person was doing that, we would have cut short his act, will be of no avail. That is the real intention of the clause. Then, Sir, section 7 contemplates agreement between two or more persons. But really, it is not a question of agreement, but what is involved in it is the conduct of the persons concerned, the conduct suspecting their innocence. Or translated into so many words, law presumes them to be guilty. Now, Sir, it is one of the fundamental laws of criminal jurisprudence that the accused should be presumed to be innocent until the contrary is proved. But what do we find here? Just the reverse of it! Apparently the sponsors of the Bill have not considered the implications of the clause. So I propose that the sub-clause be deleted. I second the amendment and leave it there for what it is worth.”

\* THE HON. MR. C. RAJAGOPALACHARIAR:—“ Sir, the hon. Member made an appeal for the deletion of the clause on account of its legal implications. No doubt, what he said is alright on the theory of law. But from my own experience I wish to make this statement showing how in practice it will work. Every person who is engaged in the profession of law, every person who knows what enormous cases come before courts and how those cases are disposed of, be they in British courts or non-British courts, every person who is conversant with the practice of courts in the sphere of criminal law, will admit that a man should be presumed to be guilty if he is found to be with a bottle of liquor. Every Magistrate knows, every lawyer will admit the legality and the correctness of this presumption. And it is open to the person accused of guilt to show that for some reason or other beyond his powers over which he has no control and the bottle of liquor came into his possession and therefore he is not guilty. Then the burden of proof falls on the prosecution to prove the case. This is how the section will work in practice.

“ Of course, in the imaginary case put forward by Mr. Narayanaswami Nayudu, it is all right; but after all, what he said is only an imaginary case. In fact, in reality it would not be so. What is expected of the owner or occupier of the house, whoever he may be, is that he should tell his neighbours about the action of the particular person, or any officer, if he is near at hand. Having done that his responsibility ceases. Then he will not be charged with any offence.

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"Now, Sir, clause (a) says that it shall be presumed until the contrary is shown that a person accused of any offence in respect of any liquor or intoxicating drug or any still, etc., for the possession of which he is unable to account satisfactorily, etc. Any lawyer will say that when a charge is framed under this section, the prosecution will have to prove possession of these articles. Hence I say the contention of the hon. Member is only an imaginary case. Here, does not law presume the accused to be innocent? If it does not, why should the prosecution be asked to prove possession first? And then when the prosecution has proved possession, the burden of proof then shifts on to the accused, and it is open to him to prove that he had no connexion with the possession of the article or articles, and it is open to him to say 'I am not responsible for the presence of articles in my house.' Therefore, Sir, let not any one imagine that this section will work hardship on the people.

"In regard to what Dr. K. V. Reddi said that because it is fiscal law, presumption of guilt is allowed, and that such presumptions are not allowed in any other law except fiscal law, and that such things are allowed inasmuch as they bring revenue to Government, I beg to submit that it is not because it brings revenue to Government and so it is allowed in fiscal law, is not the real fact. The question of income or revenue to Government and fiscal law has no connexion whatever. The real fact is this: in matters fiscal, take for example the cutting of sandalwood from reserved forests; nobody without a permit can cut sandalwood from the reserved forests, and if anybody is found to be in possession of sandalwood to whom a permit has not been issued, *prima facie* he is presumed to be guilty. Even here it is open to the accused person to prove his innocence by showing as to how he came to be in possession of sandalwood timber."

DR. SIR K. V. REDDI NAYUDU:—"I may assure the Hon. the Premier that I can quote from books to show that only in fiscal matters the burden of proof is on the accused."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am very glad for the assurance of the hon. Member, that he can quote passages from books to support his contention. I have read those passages also, and I may also assure the hon. Member that his quotation is wrong in a slight particular. There is no such rule that in fiscal law alone such a thing can be done. What my hon. Friend refers to is that in fiscal matters in respect of a thing the guilt of the accused is presumed, and such a thing is not present in the Abkari Act, and so it should not find a place in the Prohibition Act. Sir, there is no principle, no juristic principle that simply because a particular Act does not bring in revenue to Government, presumption of guilt of the accused person should not find a place in it. And after all, Sir, what is the presumption in fiscal law. It is the presumption of possession of stolen property. Now under the Prohibition Act, you are preventing manufacture of alcoholic drinks, and when you see a man in possession of a bottle of toddy, you presume either he has manufactured it, or he has secured it somehow.

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After all, this clause is a mere repetition of section 64 of the old, old Abkari Act, which says 'In prosecutions under section 55 it shall be presumed, until the contrary is proved, that the accused person has committed an offence under that section in respect of any liquor or intoxicating drug, or any still, utensil, implement or apparatus whatsoever for the manufacture of liquor other than toddy or of any intoxicating drug, or any such materials as are ordinarily used in the manufacture of liquor or of any intoxicating drug, for the possession of which he is unable to account satisfactorily.'

DR. SIR K. V. REDDI NAYUDU:—"On a matter of personal explanation, Sir, that was also my view, it was fiscal and so it was there."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Yes, I anticipated the hon. Member when I said that it is a wrong statement to say that it is a fiscal act and therefore it is there. Finally, Sir, it is but just and proper and it also stands to reason to presume a man to be guilty when he is unable to account for the possession of a thing satisfactorily. And therefore, this provision has been made in the Bill."

The amendment to delete sub-clause (2) of clause 4 was put and lost.

Clause 4 was put and carried.

Clause 5 was put and carried.

Clause 6.

\* DR. SIR K. V. REDDI NAYUDU:—"Sir, I beg to move—

*'that in sub-clause (c) of the proviso to clause 6 after the words "published in the province" and before the words "before the first day of January 1938" insert the following:—*

*"or in any advertising slides appearing in the cinemas".'*

"Sir, this proviso has been added with a view to give relief to such persons as have already entered into contract for publication of certain advertisements till the 1st January 1938. In other words, advertisements will be permitted in newspapers until that date, that is, for the short period of three months, in order that no loss may be caused to these people. My amendment is only to ask for exemption of cinema slides for these three months; it is not a permanent exemption that is sought now. So that the whole clause with my amendment will read thus:—

*'(c) to any advertisement contained in a newspaper printed and published in the Province or in any advertising slides appearing in the cinemas before the 1st day of January 1938.'*

"Sir, I am informed that certain cinema firms in this place have entered into contracts for the advertisement of certain drinks and liquors by means of slides for the whole year. It will be remembered

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that these slides only appear at certain intervals when the play is going on one after another, some for a few seconds and some for half a minute or more or less. Sir, it seems to me to stand to reason that if the newspapers are given exemption, the same exemption should be extended to cinemas, considering especially that the time asked for is only three months. Further, Sir, there is one other difference between newspapers and cinema slides. Newspapers are printed, circulated and kept by the people for future reference, if necessary. Whereas, these slides, are exhibited for a few seconds and it is only English-knowing people—I gather, Sir, these slides are generally purely in English—that can read them. I am informed that vernacular versions of these slides are not shown, and so these slides are mainly intended for English-knowing classes. Sir, I am not asking for a permanent exemption for these slides, but I am only asking them to be treated in the same ordinary way in which newspapers are treated. I hope such a harmless amendment will be accepted."

MR. M. D. KUMARASWAMI MUDALIYAR:—"I second it."

4-15 p.m. THE HON. MR. C. RAJAGOPALACHARIAR:—"I must confess I am not touched by the very personal appeal that has been made for generosity in this direction."

DR. SIR K. V. REDDI NAYUDU:—"I do not ask for generosity in this though I might ask in other matters. I am asking for justice."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"I submit, Sir, that of all the evils, the one as contemplated in this section, the presentation of the slides to make a thing with which our people were hitherto disgusted, a thing for which hitherto our people have expressed a dislike too, familiar, to make that a daily practice to see, so that ultimately we lose the horror of it, is the biggest evil. There is no harm in a price list being circulated. There is no harm in an advertisement. But in a cinema where the proprietor and the producer pretend to go through a reformatory programme and show the ruining effect of drink and end finally in the exhibition of advertisements which are for the proprietary benefit of the cinema producer by a continual exhibition of liquor bottles and a figure drinking the same, it ultimately ends in blunting the conscience which I say is the peculiar protection of the Indian people. The sticking of bills on the road sides is the greatest evil which the country should be free from. Advertisements, he said, were only in English. The English people buy their drinks from the price lists and catalogues and not from the exhibition pictures in the cinemas. The common people who come there with one-anna and two-anna tickets, by the gradual and continuous seeing of the pictures get to think that it is a decent thing not only before the toddy shop but also before the wife and children if it was brought home. That contributes to a stage which is a positive evil. Then as to contracts and justice. No legislation and no reform is possible without disturbing existing conditions. When the train was first introduced nobody looked into the contracts of bullock carts. But when an

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anti-drink measure is brought forward (to and behold) the advertising contracts of certain papers are brought forward as also the advertising contracts of cinemas as a plea against the measure. When can we begin? Did they not know when we went to the polls that these things were in danger? Did they not know at the time they entered into the contracts that these things were bound to go one day or the other? Even if you penalise them they won't lose altogether much. No mercy should be shown to the cinemas in this respect."

The amendment was put and lost.

DR. C. RAMALINGA REDDI:—"On the Prime Minister's own finding even the period of grace to the newspapers may be found objectionable. Almost in all contracts there is some provision to the effect that the contract is not to be enforced if there is an act of God or of a Minister. (Laughter.)"

THE HON. MR. C. RAJAGOPALACHARIAR:—"Including the Chamber."

DR. C. RAMALINGA REDDI:—"I just want to know what is meant by a normal circulation of a paper. I am not asking this by way of specious criticism. Supposing as a result of this the circulation goes on will he stop the paper?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"On a point of personal explanation. I am glad in a thing like this it is not formal for an explanation to be given. What is sought to be prevented is evasion and mala fide circulation. It is quite possible periodicals and books may be published elsewhere only for the purpose of publishing and there may be a quotation from Shakespeare and Thackeray and all the rest of it are prohibited advertisements. But if the *Times of India*, or the *Statesman* or the *Strand Magazine* which contain normally literary articles, carry with them this matter it will be covered. It is not as if we sat on an inquisition over the circulation of a newspaper. By circulation it is not meant the journalistic circulation. By circulation the normal circulation or coming in in the ordinary way is what is meant and that without evasion of law. With regard to clause (c) as to why this thing was permitted at all, I think it was permitted against my will, if I may say so. All the same, let me explain. I just now signed an order that in the case of cinemas also I give them notice and give them time in the same way. He was quite right when he said that a thing becomes illegal contract for causes like acts of God. The man won't be permitted to sue and the other won't be permitted to be sued for money. There is no cause to give any latitude for harassment."

Clause 6 was put and carried.

Clause 7 was put and carried.

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## Clause 8.

\*DR. SIR K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to move—

*'In sub-clause (a), omit the words "ground of suspicion" and substitute the word "grounds"; and*

*'for the words "six months" substitute the word "one year"; and*

*'for the words "five hundred" substitute the words "one thousand".'*

"So far as clause (a) is concerned, the word 'suspicion,' Sir, is rather a very indefinite word. Of course the Prime Minister may tell us that the words 'grounds of suspicion' were also in the old Act. And he can grow as eloquent as myself and perhaps more eloquent by quoting authorities that courts have always found, what amounts to suspicion and so on and so forth. In an Act like this where so many powers are given to prohibition officers and where there is a great deal of room for using those powers not entirely in the sense in which they are intended by the Prime Minister but perhaps to suit their own purpose I think, Sir, 'reasonable grounds' will be enough. What is the suspicion and where is the limit to that suspicion? Those are the questions which will be difficult to answer? What is reasonable suspicion to one man may not be 'reasonable ground of suspicion' to another man. Mere smelling may be suspicion. Smell may be due to anything else. A man coming out of a room with a smell in his mouth might be interpreted as drink having been offered in that room. Those are matters which it will be difficult for courts to decide. The Hon. Minister may tell us that courts have decided in the past. I have not been able to come across any case myself. The Government may have it studied and they may have more information than I have got. But I do feel that the word suspicion is a very dangerous word. Would it not be enough if they say reasonable ground? According to the words that follow, the officer may enter any house, at any time of day or night disturbing families and yet say he had suspicion because somebody came out of the house smelling liquor. It may be the man went to that house after drinking in his own house. It might be that the smell is due to something else. If the officer says that he smelt it, there will be reasonable ground to believe that the man is drunk and because he is coming out of a particular house there is reasonable suspicion to believe that drink has been offered in that particular house. When there has been such bandobast in this Act which is more than all the criminal Acts in the Indian Penal Statutes—even in the case of murder, it does not make so many provisions to tighten the law—it appears to me, Sir, that the word 'Suspicion' is one extra bandobast business. There is no use of my appealing to the Minister, I would appeal to the House (perhaps even there it may be no use but I must perform my duty) that my amendment may be accepted."

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\*MR. J. A. SALDANHA:—"I am seconding the amendment. This old Abkari Act has been carried to an extent which is quite disappointing. I call it the most oppressive Act that could be thought of. There are very many clauses that will make it a reign of terror. It will be a reign of terror, Sir, and we know it by experience. Many of us are living in the city and we do not know what this Abkari Act is capable of outside. I consulted a magistrate and he gave me his opinion because I was retired. He said that 90 per cent of the cases are false. That is also my own experience. They are concocted cases. That was the case with reference to the Abkari Act which is interpolated in this Bill to a large extent. Our Prime Minister should stand for liberty. Congress stands for liberty."

"This Act will be worked not by the Prime Minister but by persons 4-30 p.m. who are in the localities concerned and they cannot be expected to be as sympathetic as the Hon. the Prime Minister in dealing with such cases. When it is found that in a certain village cashew liquor is manufactured, the police go there with a body of constables and village officials and surround the whole village and arrest many people, drag the men and women and even old people on suspicion. It looks as if it is practically a reign of terror in the villages on account of the old Abkari Act and it will be much more so in the case of this Prohibition Act. I therefore consider that these words should be omitted as otherwise this Act will be another terrorising Act and a most oppressive Act, possibly not in the hands of the Cabinet or other high officials, or the Collectors, not even in the hands of the police inspectors, but in the hands of unpaid officials and such other persons who will always suspect, because they do not know what liquor means. The oppression of poor people will, I am afraid, be worse than before, especially in the hands of persons who have no knowledge of drinking or the value of drinking or even the joys of drinking. Sir, many of the officers whom you are going to entrust with these powers are likely to be ignorant of the state of affairs in the villages and I am sure that this Act would be opposed by every one in the villages. With these words, I resume my seat, Sir."

MRS. MONA HENSMAN:—"Mr. President, I have great pleasure in supporting this amendment because on a previous occasion I was referred to the Indian Penal Code and the Criminal Procedure Code to assure me that members that control this department are also human. When we all studied elementary physics, even in our childhood, there were forces that could control us in the form of teachers and our lecturers in the rooms, but in spite of all that, when once heat, light and sound were set free, we suffered from burns and scalds and other such things which we would not care to recollect now. In the same way, forces when uncontrolled cannot be commandeered or kept under control even by those who have the power to do so sometimes. I was also assured that men are better than women; I have great pleasure indeed in believing that assurance which was given me. Sir, to-day a few minutes ago the House passed

[Mrs. Mona Hensman] [29th September 1937]

in clause 4 as many as eleven sub-clauses from (a) to (k) providing for imprisonment and fine of one thousand rupees which are considered sufficient for those 'crimes.' Surely a penalty of one thousand rupees for the purpose of this clause, is not insufficient, but is it too much to ask for an imprisonment of one year or one thousand rupees fine when there are any grounds of suspicion against innocent people? And I would also go further, and say that we may be making an unwise and even a dangerous precedent. I refer to the hint that was given to us in this House that if we had been in the other House and it did not mean referring the whole matter to the Assembly again and delaying the whole consideration of the Bill, things might have been remedied in this House, and suggestions for improvement in major and in minor matters might have been considered—but, matters being as they are no alterations will be considered. But, since we are to vote on this Bill, I am in favour of the Bill but as I cannot uphold some of the clauses of the Bill, I have great pleasure in supporting this amendment."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, now the point is whether the words 'ground of suspicion' should be removed and whether we should have only a general term 'ground' and whether we should not increase the punishment of those who have committed the acts mentioned in this clause. The objection to the phrase 'ground of suspicion' seems to be that it is too wide and may include all sorts of things. As in every other parallel case the hon. Member admitted it, here also we have revived the old Abkari Act under this section and it has been in vogue practically all these years.' According to that section, 'any abkari officer or other person who without reasonable grounds of suspicion enters or searches or causes to be searched . . . shall be punished with imprisonment which may extend to six months or with fine which may extend to five hundred rupees' and so on. Now, it was stated by the hon. Member from South Kanara that this Abkari Act was a terrible thing. I am also told that apart from the truth of that wholesale charge, the abkari officers are outside this area where we first begin to put this Act into force. May be; but we may meet that very rumour and impression that generally people have of the character of these officers, if it is to be so considered as the hon. Mr. Saldanha puts it, by the statement that I have made once before, that the abkari officers are not there and that very good police officers will be there in future. Now, let us see what the police officers have been hitherto armed with under section 54 of the Criminal Procedure Code, which never ruined us so far all these many years. That Criminal Procedure Code says 'Any police officer may, without an order from a magistrate and without a warrant, arrest any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned.' The words used there are 'reasonable suspicion.' I submit, Sir, that those are the very words used in this clause also, as will be clear from 'Any officer without reasonable ground of suspicion enters . . .',

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It is the exact phrase used in the Criminal Procedure Code. I will now proceed further to put all doubts at rest. In the seventh clause in the same section 54 of the Criminal Procedure Code, it is laid down, 'Any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of British India, which if committed in British India, would have been punishable as an offence'—certainly, Sir extraordinary powers given to any police officer—; Sir, we have the same provisions that are here as to what may be done with such a person so that we have lived under these things. It is really extraordinary that we do not know some of those things though we have been living under them all these days. That is because men are not so bad as the pictures are here drawn, and men are not so clever as to be able to do all those things without being positively punished and imprisoned. Again, has any hon. Member hitherto heard of a single abkari officer who has been prosecuted under those sections and convicted? And why is it? Is it because nobody had any complaint to make against him? No, it is because such things had not happened. The very fear created by this section is enough and the discipline is enough. It may be there are cases of false prosecutions; I know there have been false prosecutions. But, why? Because it is a trade business; hundred prosecutions are worth so much; fifty prosecutions are worth so much; but a thousand non-prosecutions may pass on. But this state of things is not permitted here. There is no more fiscal law, but the Criminal Procedure Code will remain. Therefore, I submit that the alarm is unnecessary and that these powers may be given to the officer and that hon. Members may rest assured that it will be quite enough if he records his statement, or his plea or ground of suspicion and then only he can enter a place and under the Criminal Procedure Code two local witnesses have to be present during a search. So, Sir, all the rules according to the Criminal Procedure Code which apply to prosecutions and searches, etc., apply equally with regard to this Bill also. So, there is no fear about that."

The amendment was put and lost.

Clause 8 was then put and carried.

Clauses 9, 10, 11, 12, 13 and 14 were put and carried.

Clause 15.

MR. B. NARAYANASWAMI NAYUDU:—"Mr. President, Sir, I beg to move the amendment standing in my name, that is—

'Add the following to clause 15:—

"All offences under section 4 shall be deemed to be warrant cases within the meaning of the Code of Criminal Procedure, 1898, and the provisions of the same shall apply in the trial for the said offences,"

[Mr. B. Narayanaswami Nayudu] [29th September 1937]

"Sir, hon. Members will see that offences under section 4 are cognizable offences but the question in what manner they have to be treated remains unnoticed. Ordinarily, these are summons cases because the punishment is only six months or a fine, and not warrant cases. So, there is a great difference between these two classes of cases. In warrant cases, there is the charge framed and the accused need not let in evidence and he will have the right of further cross-examination and also the police diaries will be available. It is only for minor offences that summons case procedure is made applicable. Since this House has passed provisions like section 4 the question now is whether the procedure of the trials with regard to warrant cases should not also be made applicable with regard to offences under section 4. I therefore commend the amendment for the consideration and acceptance of the House."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I second the amendment, Sir."

4-45  
p.m.

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. President, with regard to the procedure, I submit that the Criminal Procedure Code applies. Under the Criminal Procedure Code, 'warrant case' means 'a case relating to an offence punishable with death, transportation or imprisonment for a term exceeding six months' and 'summons case' means 'a case relating to an offence not being a warrant case'. I do not think the object of the amendment is to amend an All-India Act, which is not within the competence of this Legislature and thus exclude the provision of the Code from applying to these cases. As such the provisions of the Code will apply."

The amendment was put and lost.

Clause 15 was put and carried.

#### Clause 16.

MR. S. J. GONSALVES:—"Mr. President, I move:

*'In clause 16, insert the following as sub-clause (2):—*

*"The Provincial Government shall, subject to such conditions as they think fit, exempt from the operation of all or any of the provisions of this Act, the wine required for the purpose of Christian religious worship"; and*

*'Renumber the existing sub-clause (2) as sub-clause (3).'*

"As the House is aware, in all Christian churches of all denominations all over the world, wine is required for Christian ritual. In the Anglican churches, this wine is partaken by the priests and by the congregation. In the Catholic churches it is required for the ritual of the mass and it is taken by the priest only. The wine used is a very small quantity, say an ounce or an ounce and a half; in the Anglican churches it may be a little more. And without this there cannot be communion service in the Anglican churches and no ritual of the mass in the Catholic churches. The State guarantees to its citizens the freedom of the exercise of one's religion and it guarantees the use of the articles that are legitimately required for the performance of these religious services. If the State does not permit the use of wine—an article

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required for communion and mass—I submit that it is practically interfering with the freedom of religion in this country. My object in moving the amendment is to obtain from the Legislature a recognition of the right to use wine in Christian worship. The necessity of exempting the use of liquor is recognized in section 16 and there are three purposes mentioned therein, namely, medicinal, scientific and industrial. I ask hon. Members of this House whether when drugs are exempted when required for these purposes, wine is not to be exempted when required for a higher purpose, namely, religion. I am aware the Premier will draw my attention to sub-clause (b) of clause 20 in which it is said that the 'Provincial Government or any officer empowered by them in this behalf may issue permit authorizing any person or institution to possess and use any liquor for any religious purpose in accordance with ancient custom'. It will probably be said that permits will be granted under this sub-clause. But I say that there is a very clear distinction between an exemption from the operation of the Act and a permit issued under the Act. What I say is that the priest should not be required to go to a Government officer and ask for a permit to enable him to possess this small quantity of wine for religious purpose. He should be given a right to possess and use wine for religious purpose by exempting the possession and use of such wine from the operation of the Act. Otherwise great hardships may result. I will explain my point. Let us take the case of a town where there is only one church, one priest, and a large congregation. The priest has a permit for the possession of wine; and every morning it is being used for the ritual of the mass. Suppose one evening the Government officer issues an order to the priest stating that the permit is cancelled, what will happen? The congregation will have to be informed that the ritual of the mass will not take place as the permit sanctioning the use of wine was withdrawn. Is it right, I ask, Sir, to deprive the people of their right to have mass and communion? Is it right that such powers should be put into the hands of the Government? I, therefore, appeal to the Premier to accept my amendment."

\* MR. J. A. SALDANHA:—"I beg to second the amendment. In fact, I have given notice of a similar amendment under clause 1, which is of a wider scope. I shall have opportunity to speak upon it when that clause is taken up for discussion. But now, I shall draw the attention of hon. Members to the principle of the British-Indian constitution as well as the Congress constitution. This principle has been enunciated in the famous proclamation of Queen Victoria. I will quote from my Civil Ecclesiastical Law to show that it is the fundamental principle of the British Government to observe toleration and equal treatment of all religions. The proclamation says—

*'We declare it to be Our Royal will and pleasure that none be in any wise favoured, none molested or disquieted by reason of their religious faith or observances, but all shall alike enjoy the equal and impartial protection of the Law and We do strictly charge and enjoin all those who may be in authority under Us that they abstain from all interference with the religious belief or worship of any of Our subjects, on pain of Our highest displeasure.'*



[Mr. J. A. Saldanha] [29th September 1937]

"The Congress has also admitted this under Fundamental Rights in the Karachi session of 1931. It is laid down—

'Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality.'

This does not find a place in the Government of India Act; but it is the fundamental law of our constitution as the common law. A permit or licence may be issued by the Government or by the Prohibition Officer; but this, I say, Sir, is against the spirit of the fundamental right. After all we do not want it for all purposes; we only say, 'Give us an exemption in respect of liquors required for *bona fide* sacrificial or other religious purposes by the communities' according to our ancient laws and rights. Of course, it may be stated that there is no harm in taking out a permit; I have the greatest regard for the Premier and I am certain that he will respect our sentiments. He may give us an assurance that our religious sentiments will be respected and certainly so long as he is there he will carry it out. But there may come a time when a Cabinet of the future composed of another party, may say 'We do not care for all those assurances'. In point of fact, these assurances are not always binding, much less on those that did not give them. I know of a case where a priest in Nilgiris was convicted—I do not want to go into details—in spite of the assurance given by Sir Henry Maine, the Law Member of the Government of India, in regard to the scope and application of a section in the Native Converts' Marriage Dissolution Act; the Court did not consider that the assurance given by the Law Member could in any way change the meaning of the particular section under which the priest was charged. Under these circumstances, it is but right that we should ask for an exemption from the provisions of the Act. I even go further and say that an assurance by the Government or even by the whole House would not be of any avail. We are not asking for any favour; we want a recognition of our rights, not only our rights; I have given an amendment amplifying the present one and when it comes I hope that the House will give it an unqualified support. As for the acceptance of this small amendment, I think that the House will only be doing justice by so doing."

THE HON. MR. C. RAJAGOPALACHARIAR:—"The clauses that that refer to this point are clauses 16, 18 and 24. Under clause 16, the Provincial Government may exempt certain kind of liquor and intoxicants from the observance of all or any of the provisions of this Act, for instance, methylated spirits and such other things which are wanted for industrial and other purposes. This section does not deal with any particular person having them but only with the nature of the article itself. Clause 18 provides that certain persons may be exempted in respect of such classes of liquor on the ground that they are required for industrial and other purposes. The hon. Member, I take it, thinks it derogatory to the dignity of the Church to put up with this requirement. He thinks that it would be better that the use of liquor should

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be permitted under a legislative exemption. I submit that there is not much point in it. I think no indignity attaches to a priest, bishop or chaplain asking for a permit. Licence under clauses 18, 19 and 20 shall be granted on payment of such fee, if any, as the Government may direct either generally or in any particular case. In the case of religious requirements like this the expression 'if any' would come in and there will be no difficulty about the grant of a permit. The hon. Member from South Kanara seems to be much worried about the matter and I assure him that there is no difficulty about it. Legislators cannot say that everyone who is a bishop or priest shall be entitled to possess liquor. We can only say that such and such persons may be given permits for such and such objects. It may be that a particular kind of liquor is wanted to-day and another is wanted to-morrow. By a general exemption we may be keeping the door open for misuse and none knows what will happen. Even now the priests who are using wine and are keeping it are under the provisions of the Abkari Act though it may be that it is overlooked. But all the same there is no provision in the Abkari Act which exempts priests from the operation of the Act. But here there is a special exemption provided for under clause 20 (b). The hon. Member from Nilgiris and my hon. Friend Mr. Saldanha need not be under the impression that the Catholics have always been persecuted and yet continue to be so. I say that all those religious denominations who require liquor for carrying on their religious worship in accordance with ancient custom will be permitted to have it. Not only that, the permit can be framed and kept in the house and be transferred to successors. I think that no assurance is necessary. You can get the permit for the asking. It may be that one man may be appointed to-day and another may take his place some time afterwards. It would not be right to say that every one who claims to be a priest should be given the privilege to possess liquor. It ought to be regularized and we should have a list of those that are entitled to have it, with the purpose for which it is given. The only assurance that I ask hon. Members to depend on is that the right to possess liquor for religious purposes will not be lost sight of in the administration of this section and the dignity of the church and its functionaries will not be lost sight of. In fact, this has been specifically introduced because such a provision did not find a place in the Abkari Act."

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

Ayes.

- |                               |                               |
|-------------------------------|-------------------------------|
| 1 Mr. S. J. Gonsalves.        | 4 Rao Bahadur M. Raman.       |
| 2 " Medai Dalavai Kumaraswami | 5 Mr. J. A. Saldanha.         |
| Mudaliyar.                    | 6 Khan Bahadur Moulavi Ghulam |
| 3 Dr. Sir K. V. Reddi.        | Jilani Quaraishi Bahadur.     |



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|                                                | Noes.                                                    |
|------------------------------------------------|----------------------------------------------------------|
| 1 Hon. Dr. T. S. S. Rajan.                     | 17 Mr. V. Ganga Raju alias Gang-<br>ayya.                |
| 2 Mr. A. Rangaswami Ayyangar.                  | 18 „ L. Subba Rao.                                       |
| 3 „ K. Madhava Menon.                          | 19 „ P. Peddi Raju.                                      |
| 4 „ V. V. Jogayya Pantulu.                     | 20 „ P. Virabhadraswami.                                 |
| 5 „ R. Srinivasa Ayyangar.                     | 21 „ K. P. Mallikarjunudu.                               |
| 6 „ K. V. Srinivasa Ayyangar.                  | 22 „ V. Venkatachalamaji.                                |
| 7 „ B. Bhima Rao.                              | 23 „ V. Venkatapunnayya.                                 |
| 8 „ N. Sankara Reddi.                          | 24 „ C. Perumalswami Reddiyar.                           |
| 9 Rao Bahadur V. Vasantha Rao.                 | 25 „ K. S. Sivasubramaniya Ayyar.                        |
| 10 Mr. S. A. S. Rm. Ramanathan Chet-<br>tiyar. | 26 „ N. Subba Raju.                                      |
| 11 „ M. Narayana Rao.                          | 27 „ S. K. Satagopa Mudaliyar.                           |
| 12 „ L. Subbarama Reddi.                       | 28 Dr. C. Ramalinga Reddi.                               |
| 13 „ K. Venkataswami Nayudu.                   | 29 Mr. D. Manjappa Hegde.                                |
| 14 „ T. A. Ramalingam Chettiar.                | 30 „ S. K. Ahmed Meeran.                                 |
| 15 „ T. C. Srinivasa Ayyangar.                 | 31 Khan Bahadur Hameed Sultan<br>Maracair Sahib Bahadur. |
| 16 „ D. Sriramamurthi.                         | 32 Mr. M. Narayana Menon.                                |

Ayes 6: Noes 32.

The amendment was lost.

Clause 16 was put and carried.

Clauses 17 and 18 were put and carried.

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—“ It is already past five. May I know, Sir, how long we are to prolong the sitting? ”

\* MR. PRESIDENT:—“ I am entirely in the hands of the House. I was told that Members had some other business in the evening. There is also a proposal to adjourn till 8-30 and resume the sittings thereafter and sit till the whole Bill is finished.”

The Council adjourned to meet again at 8-30 p.m.

(Night Sitting— 8-30 p.m.).

Clause 19 was put and carried.

Clause 20 was put and carried.

Clause 21.

\* DR. SIR K. V. REDDI NAYUDU:—“ Mr. President, Sir, I beg to move the amendment standing in my name, and that is—

*‘ at the end of clause 21, substitute a comma for the full stop and add the words “ after obtaining the assent of both the chambers of the legislature ”.’*

“ This clause, Sir, says that every licence or permit granted under clauses 18, 19 or 20 shall be granted on payment of such fees, if any, for such period, and subject to such restrictions and limitations and on such conditions, and shall be in such form and contain such particulars as the Provincial Government may direct either generally or in any particular case. And my amendment is to put a comma at the end and

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add the words after obtaining the assent of both the chambers of the legislature. I want that these restrictions should be placed before the House and the sanction of the House might be obtained before the Government issues the licences. The restrictions and conditions referred to in the clause are not specified. What these are it is difficult for us to judge at present. They may be very drastic and they may cause inconvenience. I therefore want that the House may be pleased to accept the amendment. After all, Sir, this is a very very Draconian law if I may say so. We have already seen what powers the officers concerned, the informers concerned and those whom they send out to enquire, possess. I would submit it is only right and safe that these conditions and restrictions and particulars and forms should be approved by this House. It will be seen, Sir, also that I am not asking for that to-day alone. The present Ministry has got a large majority, and overwhelming majority in the Lower House and it has got a working majority in this House. It has nothing to fear. It can certainly place the particulars before the House and get them passed before Monday. I know in many countries and legislatures powers are given to the executive to frame rules. But there has been agitation for a long time against such a practice of leaving these rule-making powers to the executive. Feeling has been veering round and instances have occurred in which the legislature claimed these rights of previous assent. In the previous Legislative Council, Sir, I remember many members representing the Congress asked for such a provision as I am asking for. They wanted that these executive powers must be exercised only after obtaining the permission of the legislature. I therefore move, Sir, the amendment standing in my name.”

MR. J. A. SALDANHA:—“ I second it.”

\* MR. T. C. SRINIVASA AYYANGAR:—“ I am afraid that if the amendment is accepted, the whole purpose of the Bill would be frustrated. I remember my hon. Friend, Sir K. V. Reddi, saying yesterday that no adequate notice was given of Bills which were coming up for discussion. He made a distinction with regard to the Prohibition Bill and admitted that it was an urgent item inasmuch as that had to come into force on the 1st October. That being so, when are the proposed rules to be placed before the Council; when are they to be accepted? If they are not accepted how will any of the sections be put in operation on the 1st October? I do not know if my hon. Friend contemplated a contingency of this kind in regard to the Bill, viz., whether the provisions of the Bill ought to be in operation as intended or whether the Bill will have to be postponed for its operation till another session.”

DR. SIR K. V. REDDI NAYUDU:—“ On a matter of personal explanation, Sir, I have been under the impression that these rules are printed because the Act will have to come into operation the day after to-morrow and I thought they may be placed before the Council.”

\* MR. T. C. SRINIVASA AYYANGAR:—“ I am not in the confidence of the Secretariat with regard to the matter. The Hon. the Premier may perhaps give information. Anyway, the amendment as it is, will frustrate the object of the Bill and we have got only six months

[Mr. T. C. Srinivasa Ayyangar] [29th September 1937]

of the official year left and two or three months will elapse before a further meeting of the Council when the discussions of the rules would take place in the Council and sanction expected."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, at any rate, this particular section does not contemplate the new despotism to which my hon. friend referred in the form of rule-making powers."

DR. SIR K. V. REDDI NAYUDU:—"I did not use the word despotism."

THE HON. MR. C. RAJAGOPALACHARIAR:—"But the reference was to a popular new judicial objection to the power which Parliament has been giving to executive Governments. I thought the hon. Member was referring to that. The reference to despotism was not to ourselves. It is to legislation and therefore the rule-making powers. This section merely prescribed that the Government executive administration might prescribe form of licence and the necessary conditions. Now it is exactly word for word section 24 of the Abkari Act: Every licence or permit granted under this Act shall be granted on payment of such fees, if any, for such period, subject to such restrictions and on such conditions; and shall be in such form and contain such particulars as the Governor in Council may direct either generally or in any particular instance in this behalf. I submit, Sir, the House can have no difficulty to pass this clause without any amendment."

The amendment was put and lost.

8-45 Clause 21 was put and carried.

p.m.

Clauses 22, 23 and 24 were put and carried.

#### Clause 25.

DR. SIR K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to move the following amendment:—

'Omit sub-clauses (d) and (e) of clause 25.'

"This has reference to the appointment of paid or honorary officers with such designations, powers and duties as the Provincial Government may think fit. My objection is that no one who is not an officer of the Government should be entrusted with any of these powers. I have given my reason on a previous amendment which I moved relating to the appointment of Prohibition Officer. The same objections I raise to this also and I do not therefore wish to add anything more."

MR. J. A. SALDANHA:—"I second the amendment, Sir."

THE HON. MR. C. RAJAGOPALACHARIAR:—"The answers too, I submit, Sir, are within the memory of the Members."

The amendment was put and lost.

Clause 25 was put and carried.

#### Clause 26.

DR. SIR K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to move that the whole of this clause be omitted."

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"The reasons are the same as those that I have already urged and I would only add this, that it will cause great resentment in the country among those who do not belong to the Government of the day if the work of the members of these committees is to give information to the police on which action might be taken. Well, Sir, I feel that any one who accepts such a place will find it very difficult and the Government may not be able to secure respectable persons to serve on these committees, for after all the position of an informant is that of a spy. I do not think that respectable people would agree to give information on a matter like this. Even in other matters, one of the complaints which we have heard made in courts is, that even in very serious offences, for instance, in rioting or murder cases, our countrymen are reluctant to come forward even to give evidence. Whereas, in other countries, you may be practically certain that however closely the witness may be related to the accused person, that witness would come forward and give evidence, and if he does not himself go to the police station, he would at least mention what he had seen. I mention that fact because it has often been stated by judges in courts that they have found it difficult to secure evidence in this country and that respectable men are unwilling to come forward even to depose what they have seen. When this is the case, I submit, Sir, that such gentlemen will find it difficult or even feel reluctant to accept places on these committees. The result would be that either the project will have to be given up or only second-rate men will have to be taken on as members of these committees. That, Sir, it is easy for the House to understand, will lead to a lot of difficulty. Unless the members of these committees are thoroughly reliable men, there is the danger that private animosities, spying and various other circumstances might lead them to create difficulties for their opponents. We have known that even within the powers given to such committees, several cases have come before courts where private animosities have been responsible. The case is somewhat different in offences arising out of this Act. The instance of theft has been cited elsewhere, but there is this difference between cases of theft and offences under this section. In the case of theft, the owner of the property lost is interested in bringing forward the case. But in the present case, the drinker or the person who supplies the drink to him is not interested in placing the case before this tribunal or before the police. Now, Sir, these are the most important persons who can give direct evidence of what had happened. Therefore these committees or the members of these committees will have to depend upon information of this sort, unless they happen to be eye-witnesses in any particular case; and such instances would be, of course, rare. Therefore they will have to depend upon the information given to them by others and the result will be that these committees which are expected to give information to the police will have only second-hand information and the House can very easily see what the effect of such second-hand information would be and whether it would be safe to depend upon such information. I therefore move the amendment standing in my name, Sir."

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\* Mr. J. A. SALDANHIA:—" Mr. President, Sir, in seconding the amendment moved by my hon. Friend, Sir K. V. Reddi, I must say that this clause 26 is one of the most dangerous and worst clauses in this Bill. One important point that should be borne in mind is that these offences are merely artificial offences and not offences involving moral turpitude. These offences are just like the offences which the British Government with the aid of the Justice party while it was in power thought, were committed by the members of the Congress out of mere prejudice and then they beat them with lathis and then sent them to jail. Those offences were mere artificial offences which by no stretch of imagination could come under serious crime but they were done as a result of party reasons. The Congress people were driven about and beaten as if they were mad by officials. As a matter of fact, I almost lost my pension for having supported the Congress. Now it seems the Congress is going on in the same vicious circle. The Congress people are forgetting old lessons. How can these voluntary bodies help the police officers? It is all very good if people are actuated by noble motives of justice with which the Cabinet Ministers framed the Bill. We know from experience, for after all we are mortals, that these things go merely by human prejudices and vindictive spirit in many cases. When a man is actuated by what is called vindictive spirit, and not vindicative spirit, we do not know what may happen. This can be amply borne out if one knows the amount of mischief that religious fanatics do as a result of this vindictiveness, because they won't brook anybody opposing them. I therefore consider, Sir, that this section must be deleted. I would appeal to all hon. Members who have come here to attend this meeting at night, though I see some hon. Members have not come, to remember this memorable night; and I also appeal to the country at large to see what the effect of this section will be and how it will work; I hope the Hon. the Prime Minister and the Cabinet Members will take it into their heads to see that it is worked properly and until then this section shall not be acted upon. Unless the Hon. the Prime Minister gives an assurance that this section will not be brought into operation till then and unless the Government appoint to these committees men who are guided by the highest of principles, it will not be possible to remove this mischief of drunkenness and not drinking. There is of course a great difference between drunkenness and drinking; many of us also drink, but excessive drinking alone is an evil and a mischief. I am sure there will be some people who understand the difference between drunkenness and drinking. I am afraid even the Hon. Ministers do not know anything about it, because they do not know what drinking means. I hope, Sir, this section will not come into operation."

Mr. B. NARAYANASWAMI NAYUDU:—" Mr. President, Sir, I have given notice of a similar amendment and I do not propose to take much of the time of the House. My fear is that this Act is attempting to create a proselytizing force and I do not think the Hon. the

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Prime Minister is trying to create a dictatorial force, because he cannot have it under the new Government. The other point is whether this proselytizing force is going to be turned into a party force or otherwise. Hon. Members will see that in regard to these prohibition committees, sub-clause (2) of section 26 says: 'Every member of a prohibition committee shall observe the working of this Act in his taluk and report thereon and on every matter connected therewith at the prescribed intervals and at any other time he thinks fit.' So long as the civil servants carry out this policy of prohibition—and whether they carry it out or not—they can report upon it and the Government is entitled to the full information. Unfortunately, the Act does not stop there. . . .

"What does the Act propose to do? Every member of the committee 9 p.m. is entitled to give information and the officer in charge of the police station shall take action on the information and investigate the case. The Premier thinks that he cannot create a prohibition force for it would mean much expense to the State and therefore he wants to substitute for it a prohibitive force consisting of honorary officers."

Mr. J. A. SALDANHIA:—" May I request the hon. Member through you, Sir, to just turn this side so that Members on this side may have the benefit of his speech. It is not as if his speech should be heard by the Treasury benches only. In the old Council, Mr. Satyamurti used to do like that."

\* Mr. PRESIDENT:—" The hon. Member will have to address the Chair."

Mr. J. A. SALDANHIA:—" But we cannot hear him."

Mr. B. NARAYANASWAMI NAYUDU:—" Sub-clauses (2) and (3) deal with the powers and duties of the committee. The evil of drink has to be put down. By all means do it. But only have a regular civil service with its own traditions and a sense of discipline. It is well to pause and examine to whom the members of the committee are responsible. It is a private body and not being responsible for its acts to any higher authority, I say, Sir, it is dangerous to invest it with such powers. One can understand the appointment of such committees in State emergencies, when there is a war and the ordinary administrative machine is not enough to cope up with its duties. It is not as if this is only an experimental measure; we are going to have it for ever and therefore, it is better that a permanent service is constituted for this purpose. Let us establish it without reference to what may be called temporary expedients. But as it is, I say, the inviolability of the home is no more safe and investing private people with these powers is absolutely nugatory of the principles of democratic governments. For these reasons I support the amendment."

THE HON. Mr. C. RAJAGOPALACHARIAR:—" The hon. Member has explained the object of the section better than I can do. It is intended to be a proselytizing act and this is intended to be a

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proselytizing section. Otherwise all criminal law would be worthless. Criminal law is not merely an organism to keep people out of prison. It is intended to be a proselytizing measure and the machinery of criminal law is temporary indeed. I say that every police constable, we should understand, to be temporary till society improves.

“My hon. Friend from South Kanara (Mr. Saldanha) seemed to suggest that the Ministers did not understand the difference between drunkenness and drinking. We are not so ignorant as he imagines us to be. It is not difficult even for an ordinary citizen to see the difference. There will be no difficulty about it.

“Members of the prohibition committee are going to be appointed by the Collector or the Prohibition Officer in the district. As such it is a regularly constituted body. The only virtue that they possess is that they do not draw salaries. That is the only difference. It is a selected body and is to be created by the Collector and the Prohibition Officer and its work is to be watched through its reports. It is impossible that any Act even if it be a Nuisance Act can be enforced even by a paid constabulary unless we rouse the conscience of the people around whose homes these acts are committed. The work of watching the operation of this Act in the village is to be left in the hands of the people of the village. It is assumed that this is mainly police work and the hon. Member for South Kanara (Mr. Saldanha) has been frightened by the whole business. I say that the idea is wrong. It is only the people in the village who will be able to know where arrangements for the sale and preparation of drink go on in the village. The members have only to report to the police station and their complaint will be examined there. On receipt of the complaint, what is the terrible thing that the officer in charge of the police is to do? ‘He shall take action.’ ‘He shall take action’ I say it with emphasis. What action? Investigate the case in the manner laid down in the Code of Criminal Procedure. Then it has been said ‘There is nobody whose property has been stolen? Who is to give information?’ For this we propose to develop the conscience, the law-abiding conscience of the people and that is why we want to create the nucleus of a prohibition force. It is not the receiving of salaries that makes people virtuous. It is really the conscience, the social conscience of the people that I rely on, to do their work and help society.”

The amendment was put and declared lost.

A poll was demanded and the House divided thus:—

## Ayes.

|                                   |                                 |
|-----------------------------------|---------------------------------|
| 1 Sir Mahomed Usman.              | 6 Mrs. Mona Hensman.            |
| 2 Rao Bahadur N. R. Samiappa      | 7 Mr. S. J. Gonsalves.          |
| Mudaliyar.                        | 8 Mr. Medai Dalavai Kumaraswami |
| 3 Khan Bahadur T. M. Moidoo Sahib | Mudaliyar.                      |
| Bahadur.                          | 9 Dr. Sir K. V. Reddi Nayudu.   |
| 4 Mr. B. Narayanaswami Nayudu.    | 10 Rao Bahadur M. Raman.        |
| 5 Rao Bahadur M. Ramakrishna      | 11 Mr. J. A. Saldanha.          |
| Reddi.                            |                                 |

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## Noes.

|                                  |                                      |
|----------------------------------|--------------------------------------|
| 1 Hon. Dr. T. S. S. Rajan.       | 15 Mr. V. Ganga Raju alias Gangayya. |
| 2 Mr. A. Rangaswami Ayyangar.    | 16 Mr. P. Veerabhadraswami.          |
| 3 Mr. K. Madhava Menon.          | 17 Mr. K. P. Mallikarjunudu.         |
| 4 Mr. V. V. Jogayya Pantulu.     | 18 Mr. V. Venkatapunnayya.           |
| 5 Mr. R. Srinivasa Ayyangar.     | 19 Mr. N. Venkatachalamaji.          |
| 6 Mr. K. V. Srinivasa Ayyangar.  | 20 Mr. C. Perumalswami Reddiyar.     |
| 7 Mr. B. Bhima Rao.              | 21 Mr. S. K. Satagopa Mudaliyar.     |
| 8 Mr. N. Sankara Reddi.          | 22 Mr. S. K. Ahmed Meeran.           |
| 9 Rao Bahadur V. Vasantha Rao.   | 23 Mr. C. P. Mammu Keyi.             |
| 10 Mr. S. A. S. Rm. Ramanathan   | 24 Syed Abdul Wahab Bukhari Baha-    |
| Chettiayar.                      | dur.                                 |
| 11 Mr. M. Narayana Rao.          | 25 Mr. D. Manajayya Hegde.           |
| 12 Mr. M. Narayana Menon.        | 26 Khan Bahadur Hamid Sultan Mara-   |
| 13 Mr. L. Subhrama Reddi.        | cair Sahib Bahadur.                  |
| 14 Mr. T. C. Srinivasa Ayyangar. |                                      |

Ayes 11. Noes 26.

The amendment was lost.

Clause 26 was put and carried.

Clause 27 was put and carried.

## Clause 28.

MR. B. NARAYANASWAMI NAYUDU:—“Sir, I move—

‘In clause 28, delete the whole of the last sentence occurring before the proviso.’

“My reason for moving this amendment is that this is not only a repetition of the Abkari Act in some cases but also marks a vital departure from the Abkari Act in all essential matters. A provision for arrest does not exist in the old Act but it has been introduced here. I think that this is absolutely unnecessary unless it be that it is for purposes of creating terror in the minds of women and children. Of course there is a proviso that the person arrested may be bailed out if sufficient bail be tendered. It is not stated what the nature of the surety is to be, whether he can be enlarged on bail on his own recognition or whether other security or personal surety will be required. The women may not like their husbands to drink but all the same they may not like them to be torn away from them. I think that this provision is not at all necessary. I submit that a simple bond may be taken from the arrested persons and they may be released with instructions to appear before the court.”

RAO BAHADUR M. RAMAN:—“I second the motion.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“This amendment, I submit, is due to a misunderstanding. I can understand arguments based on principle and objections raised thereto. The point raised is that the officer executing a search warrant should not have the power to arrest because this provision is not embodied in the old Act. But let us see what the next section in that Act says. When a man exercises his own discretion and searches a house, he has got the power to make an arrest. I submit it is simply a slip in the old Act. It could

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not be intentional. The section is defective due to this oversight. When an officer can arrest a person when he is not armed with a warrant, could he not arrest him when he has a warrant with him? He could certainly be permitted to do it.

"There is another mistake in the hon. Gentleman's argument. It arises due to the fact that bail has been understood to mean that surety should be taken. It may be a simple bond, or a personal surety. There is nothing new or terrible in this section. I submit that the section should stand as it is, for, otherwise there would be no procedure available for arresting a person when a search is being made and there is no point in a search unless it is to be followed by an arrest and prosecution."

The amendment was put and lost.

Clause 28 was put and carried.

#### Clause 29.

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\* RAO BAHADUR M. RAMAKRISHNA REDDI:—"Sir, I beg to move the amendment that stands in my name, viz.—

*'Delete the words "any officer in charge of a police station" occurring after "any police officer not below the rank of Sub-Inspector" and delete the words "or honorary" occurring after "or any other paid."'*

"Sir, I am of opinion that clauses 29, 30 and 31 give enormous powers to Government officials as well as honorary officers who have been referred to in section 29. I am of the firm conviction that people who are entrusted with these powers must be above suspicion. They must be persons above want, they must be persons who are honest in their dealings. Otherwise this class of persons may prove to be dangerous to public safety and tranquillity. I therefore suggest to Government that they should state that these officers should be of such and such qualifications, and it is not known from the clauses of the Bill whether Government have taken that point into consideration. It is not known whether Government are going to state that only certain persons paying a certain amount of income-tax, or for the matter of that, a certain sum of land cess, or persons who have served for a certain number of years as volunteers in the Congress camps are qualified to be appointed as officers under this section. My hon. Friend, Sir K. V. Reddi, said that almost all villages are torn asunder by factions, and there are more than two parties in every village of the Presidency. There are influential men in every village, big men, monied men bent on mischief, and if such power is given them there is every certainty that they will misuse their powers by harassing innocent persons and by bringing false charges against those whom they don't like.

"Again, Sir, it is stated in the clause 'any officer in charge of a police station.' Suppose, Sir, the Sub-Inspector is absent, for, very often Sub-Inspectors are absent from headquarters; they may go on casual leave owing to their illness, or it may be that they may have

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gone on camp; and in all such cases, the head constable or the constable, whoever may be there, is put in charge of the police station. The income of such persons will be about Rs. 25 per mensem, and you cannot expect them to be above want, and you cannot expect them to be above suspicion. And naturally they may be influenced by influential people of the village, and thus there is plenty of scope for abuse and misuse of their powers.

"For these reasons I move my amendment."

KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR:—"I second it."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I have to submit, Sir, this is the ordinary provision of the Criminal Procedure Code and nothing more. Stress was laid on the non-advisability of vesting constables and head constables who may be temporarily in charge of the police station with the powers under this section and with regard to the appointment of honorary officers, there is no other objection against this clause. So far as the argument of poverty and unreliability of honorary officers, the same argument applies to all the laws in which we have been living all along, and there is nothing peculiar in its application to this clause. I do not see any special scare now, because the present Government have taken office and the Congress Ministry is now at the helm of affairs of Government. The charge or the suspicion that Congress volunteers will be picked up to be honorary officers is no charge against us. We take it as a compliment; the charge really is against the Collectors and the Provincial Government who appoint such officers that were referred to. If you read the section carefully it will dispel all fears of the kind voiced by the hon. Member. For it is specifically stated therein 'any other paid or honorary officer authorized by the Provincial Government in this behalf;' so it follows that it is not everybody picked up by the Congress committee that will be appointed as honorary officers. After all they are just like our honorary magistrates. Now are our honorary magistrates mere loafers picked out from the streets and endowed with power? I say, Sir, our honorary officers are thoroughly reliable. Sir, the cry has been that we do not want paid subordinates for this work, and so when we have made provision for the appointment of honorary officers who are above want, the Opposition should in fact congratulate us for making this provision instead of finding fault with us or raising all sorts of imaginary fears."

The amendment was put and lost.

Clause 29 was put and carried.

Clauses 30 and 31 were put and carried.

#### Clause 32.

MR. B. NARAYANASWAMI NAYUDU:—"Sir, I have given notice of an amendment to this clause to this effect and I move it:—

*'In sub-clause (a) after the words "may arrest without warrant" the words "in any public thoroughfare or open place other than a dwelling house" shall be inserted.'*

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"Sir, I have given notice of this amendment as this Bill is more drastic than the Abkari Act. For if you turn to section 34 of the Abkari Act, you will see that it says 'any officer of the Abkari, Salt, Police, Land Revenue or Customs departments, and any other person duly empowered may arrest without warrant in any *public thoroughfare or open place other than a dwelling-house*, etc.' Thus, Sir, you see that in the Abkari Act, a person can be arrested only in the public street or for the matter of that, in any open space. But what do we find here? You are now giving power to the officers to arrest even in dwelling-houses. That is, the officers can most unceremoniously enter into any dwelling-house at any part of the day and any part of the night even. Sir, when you have copied section 55 of the old Abkari Act in section 4 of this Bill, why not you do so, with regard to this clause also? Why do you want to go one step further by arresting a person in his own dwelling-house and that at any part of the night even? To understand the full implications of section 32, you must bear in mind the scope of sections 28, 29 and 30. Under sections 28 and 29 the person who enters the house to search has to record his reasons and the grounds of his belief before he actually enters the house. Similarly in section 30 you find a similar provision 'any place in which it is reasonably suspected' occurring. But there is no such condition precedent in section 32 at all. All that is necessary under this section is that the officer should have been 'authorized in that behalf' and then he is given absolute power to enter any house where he suspects the offence being committed, and if he does not see anything there he can simply come out of the house. Sir, my serious objection against this is on the ground of the inviolability of the home. To every one of us house is a sacred thing, we want to have secrecy in our homes, we want to maintain privacy there, and so is it right and proper and worth your while to intrude into the family life of these persons. What the Hon. Minister wants is to proceed against the real offender, the consumer, who is practically the victim of the traditions of the village or the house or the country to which he belongs, and the manufacturer of the contraband liquor. I admit, Sir, the offence is generally committed at night, and when you have given sufficient powers to the officers to book them, in sections 28, 29 and 30, why do you want this section 32? Why not you wait till morning and arrest the person then? Every wife, however bad her husband may be, does not wish to be separated from him and vice versa. To every European, to every Hindu, his home is a sacred thing. So I am anxious to maintain the inviolability of the home. So I submit the clause is really very destructive of individual rights."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"I second it."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry, Sir, I have to repeat the arguments I have already advanced, as all the sections of the Bill are framed on one and the same principle and all the objections against the provisions of this Bill run along the same principle. After all, Sir, it is drink and not the section that separates the husband from the wife or the wife from the husband. (Laughter.)"

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I submit this section is intended to cover cases where liquor is manufactured and toddy is tapped. Toddy is not tapped alongside roads, it is tapped in garden lands and backyards of houses. If you don't arm an officer with the power under this clause he cannot take any action when he sees toddy being tapped. He cannot see whether it is sweet toddy or not; he cannot enter into the home where illicit liquor is being manufactured. In short no enforcement is possible if this section is taken away."

The amendment was put and lost.

Clause 32 was put and carried.

Clause 33 was put and carried.

Clause 34.

MR. B. NARAYANASWAMI NAYUDU:—"Sir, I have given notice of an amendment to the following effect and I move it:—

Add the following to clause 34:—

*'Provided that the persons called upon to attend and witness for searches shall include at least two persons neither of whom is a prohibition, police or village or paid or honorary officer or member of prohibition committees.'*

"As a matter of fact I have taken this from the old Abkari Act, section 36. There it is stated that all searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, provided that the persons called upon to attend and witness for searches shall include at least two persons neither of whom is a police or village or paid officer. I have added prohibition committee members and the honorary officers also. Is it not necessary that we should at least have respectable persons of the locality? The Criminal Procedure Code says important. It does not reduce the liability. A provision like this would ensure persons of the locality whose responsibility is beyond doubt. I do not know why the procedure laid down in the old Act was taken away. I do not know whether the attention of the Hon. Minister was drawn to it. It was dictated by experience and the necessities of the case. The present Act is wider in character and there is greater force for the existence of the proviso."

\* MR. J. A. SALDANHA:—"I heartily second this amendment. In doing so I may state that the amended section of the Act was the result of a Bill brought by myself. I saw the great danger in the searches made and mischiefs that were played. So this amended section was approved by the House. Now the Hon. the Chief Minister has always been harping that we go in regard to everything according to the Criminal Procedure Code. This thing was deliberately added as a necessary protection against the very malicious manner in which searches were made under the Criminal Procedure Code. I might here strongly object to the use of the terms 'criminal offence' and 'Criminal Procedure Code.' Where is the criminal offence? It is an offence artificially

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created. The whole thing is civil disobedience. Don't call it criminal disobedience. It is only civil disobedience. It is unnecessary to curtail the liberty of people. This amendment is therefore necessary in public interest. To call it criminal offence and bring it under the criminal procedure is wrong. It is a barbarous thing to call civil disobedience as criminal disobedience. So I appeal that the House should strongly support this amendment."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the section to which this amendment has been proposed says definitely that all searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898. If I am permitted to refer to the Criminal Procedure Code, I may refer to section 103 with regard to the chapter on searches. 'Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search, and may issue an order, etc.' There is a distinct provision here and I am surprised that a rusty practitioner like me remembers and a young member of the bar that he is forgets. The old Code was there. Coming to the offence of applying the Criminal Procedure Code, I must ask my friend the hon. Member for South Kanara, to consider it civil disobedience, to consider every person civil, the whole thing is civil, the penalty is only a civil penalty and any fine is a civil fine and all punishments are civil punishments. If the criminal has become a menace and virtuous people are punished there is no harm whatsoever."

The amendment was put and lost.

Clause 34 was put and carried.

Clauses 35 and 36 were put and carried.

#### Clause 37.

\* RAO BAHADUR M. RAMAKRISHNA REDDI:—"I beg to move—  
'In clause 37, delete the words, "all zamindars, proprietors" occurring before the words "tenants, under tenants and cultivators".'

"Sir, it is admitted on all hands that zamindars and proprietors are absentee landlords and they visit their places perhaps once a year or twice a year. I do not think in these days when feelings between zamindars and the ryots are always at loggerheads it is fair to insist on them to go to the Sub-Magistrate and report about the manufacture of toddy and drinks. As a matter of fact there are several officers. We have got a number of taluk committees of officials and non-officials who are asked to report to the Sub-Magistrates if there is any illicit tapping. Under these circumstances it is not necessary to demand the zamindars and proprietors to carry this information to the sub-magistrates. Again, I draw your attention to the wording, 'in the absence of reasonable excuse is bound to give notice'. It is not like that in section 26 where it is said every member of the prohibition committee will be entitled to give information whereas in this section the zamindars are bound to give notice. So I should say if the Hon. Minister

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has no objection, instead of 'bound to give notice' it may be said they are entitled to give information to the magistrates. I take objection to the word 'bound' and draw attention to section 26 where it is only said 'entitled.' On this ground I request the Chief Minister to consider the desirability of deleting the words 'zamindars and proprietors'."

RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I second it."

THE HON. MR. C. RAJAGOPALACHARIAR:—"The section is somewhat different from what was referred to by the hon. Member, the mover of the amendment. In the one case the committee members do not own the property. Here the zamindars own or hold lands in which toddy tapping is going on. They should be bound to give information as it is perhaps the only way that will stop this kind of manufacture far away from the places where the authorities cannot be watching. There must be this liability; otherwise the owner of garden will not be responsible and will say, 'I know nothing about it.' It is not easy to get at the very persons and the liability of the owner of the house which becomes a place of illicit manufacture is the only way which will attract the authorities. Of course he won't be able to get large income if he was always absent. He is bound if he gets the information and if he was always in the race course he will not be bound."

The amendment was put and lost.

Clause 37 was put and carried.

Clauses 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54 were put and carried.

#### Clause 55.

\* DR. SIR K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to move the amendment standing in my name, that is—

'Add the following proviso:—

*"Provided that the said rules shall be approved by both the Chambers of Legislature before publication in the official gazette".*

"Sir, the objection is the same as the one I raised with reference to another section, viz., clause 21, where certain particulars have not been mentioned in the Act itself and where they are sought to be incorporated in the rules and regulations or orders to be issued by Government by virtue of the authority given under this Act. I said that these rules and regulations and the like should have the approval of the House.

"Sir, I do not want to repeat the arguments that I advanced on the previous occasion. My only submission is that they apply with equal force to this clause as well. I would, however, invite the attention of hon. Members of this House to the long list of subjects for which rules can be made—there are about a dozen of them—but each one of the clauses includes two or three sub-clauses. Some of them are of course very important ones. Take, for instance, clause (a) relating to the issue



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of licences and permits and the enforcement of the conditions thereof. Our apprehension with reference to that is that these licences will be given more or less to influential persons, probably to Europeans and Anglo-Indians and such other people in the districts who in the opinion of the Collector could be trusted with those permits and might not perhaps use them wrongly. The poor man is not very likely to get such permits. I know the Hon. the Prime Minister wants to protect the poor man. But my point has always been that a labourer in the field does want something to recuperate him after a hard-day's work in the field perhaps for 10 or 12 hours, which involves a good deal strain on him. So, Sir, if by virtue of these rules, the power is given to the Collectors so that no conditions are imposed in the matter of giving licences to these poor labourers in the field or to the members of the European community or the Anglo-Indians or influential citizens of the locality, and no unnecessary restrictions are imposed in the way of these poor labourers obtaining such licences, I have no quarrel. Then again, Sir, clause (b) describes the powers to be exercised and the duties to be performed by the paid or honorary officers. As I have already submitted, Sir, it is not safe to entrust powers which are almost draconian in their nature to these honorary officers, however esteemable they may be in the opinion of the Collector.

"Then again, Sir, in clause (c) you will find that provision is made for enquiries and investigation. Those two are very important and it is only right that this House should have its voice heard when these rules are framed. Similarly clause (e) prescribes the powers and duties of the prohibition committees; and clause (f) deals with the delegation by the Commissioner or the Collector and other officers, of any of the powers conferred on them by or under this Act. It is only the Collectors that can delegate their powers to some others. So, Sir, these are very important matters and I submit, Sir, it is only fair and right that the rules that are to be framed under this Act should receive the approval of this House."

MR. J. A. SALDANHA:—"I second the amendment, Sir."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the long section that has been made the subject of criticism is a replica, almost word for word, of the Abkari Act with regard to the powers that the Provincial Government have been exercising all these years. I do not think that the Board of Revenue or the Commissioner of Excise will fail to carry out the duties which will be entrusted to them hereafter. All these rule-making powers are only with reference to details and if hon. Members will read the whole of the Bill, as it has been now gone through, they could have been very well included by the Government in proposing this measure if they found there was any need for them. It would be, I submit, very wrong to have prescribed the forms of licences or the powers and duties and various other things in the Bill itself. Everybody who is conversant with drafting will see that such a thing is wrong. The only position to be examined now is, whether these rules should be placed before both the Chambers of this Legislature as suggested in the amendment. I suggest it would amount to carrying on

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the administration of the country through the Legislature, which has not been found practicable in any country in the world. These rules just cover that ground which generally any executive Government must cover and no sort of departure has been made in the proposal made under section 54. Whatever the distinction may be between legislation and administration in practice, the general system of administration is the rule; the general method of administration is the rule and to try to bring it before the Legislature, would simply be making the Government impossible. I, therefore, submit that this section is very necessary and must be passed by the House."

The amendment was put and lost.

Clause 55 was put and carried.

Clauses 56 and 57 were put and carried.

The Schedule was put and carried.

#### Clause 1.

DR. SIR K. V. REDDI NAYUDU:—"Sir, as the amendment <sup>a</sup> is more or less similar to the one that has just now been disposed of, I do not propose to move it."

\* RAO BAHADUR M. RAMAKRISHNA REDDI:—"Mr. President, Sir, I beg to move the amendment that stands in my name, and that is—

'to add the words "*with the further sanction of the Legislature*" after the words "*on such date as the Provincial Government*" occurring in sub-clause (3) (b) (ii) of clause 1.'

States of America, Sweden, Denmark and Russia have introduced schemes of prohibition in their respective countries and found that it was not successful. History, I am afraid, may repeat itself again in our Presidency and we may not be able to carry out the scheme of prohibition successfully unless and until the Government takes pains to see that the causes of the evil are rooted out entirely. We are told, Sir, that the misery of the homes in the countryside is due to want of sufficient nourishing and well-cooked food and that the peculiar conditions of physical labour are partially responsible for this evil of drink. No doubt the Hon. the Premier was kind enough to bring in a large number of measures before this Legislature, but I am afraid he has not taken steps to introduce any legislation to root out the real causes of this evil. I am of humble opinion that before introducing a scheme like this in any district or in any portion of the province, he should see that the root cause of the evil is removed first. Before the Prohibition Act comes into force, I would suggest to the Hon. the Premier to divide the whole province into a number of divisions and then introduce in those divisions first schemes for providing homes for those who have no houses to live in and are exposing

<sup>a</sup> At the end of clause 1 (3) (b) (ii), substitute a comma for the full stop and add the following:—

'after obtaining the assent of both the Chambers of Legislature.'

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themselves to the heat of the sun and rain. Again, Sir, it is an admitted fact that the wives of these labourers are not well trained to cook the food properly and I am giving expression to what I feel in this matter. So, Sir, unless you remove the exact causes of this evil and unless you give proper accommodation to the labourers, I am afraid this scheme will be a thorough failure. It is my honest opinion in regard to prohibition.

“Then, Sir, with regard to the peculiar state of the labourers, I would bring to your notice one important thing. In the Tirumalai hills, for instance, people have to walk a distance of about seven miles up the hills, carrying often-times very heavy loads on their shoulders and it is because of this I should say that they take to drink. It is true that they spend more than 8 annas a day, but it must also be known that they spend it only after earning two rupees or so per day. Some of the labourers will be rendered unfit to carry loads without a drink and the Government have to find out work for such people. What I wish to say is you have to take into consideration all these aspects of the question before you actually introduce a scheme of prohibition in those areas. You should first remove the root cause before introducing such a scheme in any area. Supposing during the next year, you propose to take Chittoor, Bellary and other places in the Ceded districts, what I wish to draw the attention of the House is, before doing anything in the matter of prohibition, you should first give to those that require houses to live in and food to eat and such other things which will go a long way to make them happy and comfortable. If you then introduce your scheme, it will certainly help you to carry out your policy successfully. Again, the history of the various countries tells us that gradual experimental and temporary legislation should precede measures of a permanent character. Before introducing permanent measures you must restrict the sale of liquor in those areas where you propose to introduce prohibition. You must also see that liquor is not sold on public holidays or on half holidays, on days on which wages are paid to labourers and on shandy days, and that liquor is not made available to those people easily and thus you must make it a hard task for them to get at it. If you introduce schemes like that, it will be in the best interests of the consumers, especially the labouring classes. Unless therefore you introduce such temporary measures in those areas where you are going to introduce the scheme of prohibition in future, I am afraid, it is going to be a thorough failure. That is why I have tabled this amendment. In their anxiety to carry on the programme of prohibition, Government may perhaps lose sight of the dangers and difficulties and go on introducing this prohibition in other districts also. In order that, hon. Members may have an opportunity to point out what the real defects are and how they can be redressed, I have given notice of the amendment, that is to say that the question of extending the scheme to other places must come again before the Legislature for approval. I hope the Hon. Premier will see that before thinking of introducing such a reform in other districts, this scheme which is proposed to be introduced in Salem is made a thorough success.”

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MR. B. NARAYANASWAMI NAYUDU :—“I second it, Sir.”

THE HON. MR. C. RAJAGOPALACHARIAR :—“Sir, I have nothing to say except this. Reference has been made to America and reference was also made to the great difficulties in the matter; reference was made also to the theory that drink helps people to carry heavy loads and to carry people up the hills. Drink helps people to carry heavy loads just as toddy helps people to spend money. Just as the borrowed money from a bank helps people to spend more, so also drink helps people to carry loads up the hills. Even as debt brings down a man to the pit, so too does drink. I am surprised that so well-informed and experienced a gentleman as the hon. Member who just spoke, speaks in this strain.

“It is one thing to oppose a measure saying that the present measure before the legislature, if put into operation, would have to face such and such kind of difficulties; and it is another thing to speak in the strain hon. Members opposite have spoken. I do not think that any doctor worth the name will endorse what the hon. Member has said. I do not think that any drunkard will have the hardihood to say so. I have moved with drunkards in close quarters and have seen their wives appeal to us that we should be pleased to remove the temptations as if we were the Government themselves. They thought that the Congress had the power to do it and they appealed to us to remove these temptations. Now when we have the power, hon. Members want us to do something else. The whole Bill is intended to remove the temptation and not to punish husbands. The whole Bill is intended to make people carry heavy loads without drawing from their limited energy and make them live better. It is not because husbands do not like the meals served to them at home that they go to the toddy shop. It is not because they have not got good houses to live in that they go to the toddy shop. I have seen very good houses which these drunkards own and live in. They prefer to go there because they are tempted to do it. This is but a humble attempt to wean people away from their bad habits; and if hon. Members will help us, we will do many other things and go to the root of the cause, namely, poverty and misery and in due course we, with their help, will do what little we can. What we can and will do, depends on the amount of co-operation that is given to us. I am not afraid of the arguments that have been used but I am afraid of the terrible scepticism and propaganda that will be carried on by Members that stick to this live of opposition in regard to the matter. I do hope and trust that this attitude will disappear with the passing of the Act. I object that Members of the Opposition should be taking such mean . . .”

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p.m.

KHAN BAHADUR T. M. MOIDOO SAHIB BAHADUR :—“I object to the use of the word ‘mean’ to characterize the attitude of the Opposition. As a Muslim, I have been giving my unqualified support to the principles of the Bill.”

THE HON. MR. C. RAJAGOPALACHARIAR :—“I withdraw it unreservedly. But I think that scepticism is a thing that will stick on.

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Hon. Members repeatedly said 'This will fail; it has no hope of success.' I expected a better echo. I expect a better echo at least after the preamble is passed. I hope I shall not once again hear about the failure of this measure. I belong to a faith and tradition that believe, that, when good people like those sitting on the benches opposite say 'Yes, this is a good thing, it will succeed; there are difficulties, but they are not much; it will succeed', the Gods will also say the same thing. So, I hope hon. Members opposite will give me the help.

"I was speaking of those who were raising opposition to the measure. I do not think that they intended anything against it; but that they raised it in order that the difficulties they pointed out may be removed. I do want hon. Members to give me the assurance and to say 'You were, at the time when we opposed your Bill, under the impression that we would not be co-operating with you; you were wrong in thinking like that.' I want only that of hon. Members opposite. With these words, Sir, I oppose the last amendment on the order paper."

The amendment was put and lost.

Mr. J. A. Saldanha rose to move his amendment to clause 1, namely:—

*'After sub-clause (3) of clause 1, add a new sub-clause (4) as follows:—*

*"(4) The provisions of this Act in section 2 and those following except sections 54 and 55 shall not apply to liquors required for bona fide sacrificial or other religious purposes by Christians, Hindus, and other communities, churches, temples, or other such institutions according to their ancient customs, practices or laws:*

*Provided the scope and manner of such exemptions shall be regulated by rules to be made by the Provincial Government under section 54 and duly notified under section 55."*

\* MR. B. BHIMA RAO:—"The subject of the amendment of Mr. Saldanha is identical with that of Mr. Gonsalves to clause 16 which is to the effect that:

*'Government shall, subject to such conditions as they think fit, exempt from the operation of all or any of the provisions of this Act, the wine required for the purpose of Christian religious worship.'*

"This proposition has been negatived by the House. The same is sought to be introduced by means of this amendment. Under Rule 60 (4) an amendment on a question must not be inconsistent with any previous decision on the same question given at any stage of the same Bill or motion. The question has already been considered and the decision has been given and I submit that it cannot now be permitted to be moved."

\* MR. J. A. SALDANHA:—"I submit, Sir, that this amendment covers a wider ground. The amendment brought by my hon. Friend refers to the wine required for Christian rituals but this amendment deals with liquor required by other communities and other institutions also. It is not mere exemption that is required under my amendment, but

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the non-applicability of the Act. My amendment is somewhat distinct from the one on which the House has given its decision and I beg that I may be allowed to make the motion."

\* MR. T. C. SRINIVASA AYYANGAR:—"Mr. President, the amendment of Mr. Saldanha is in no way different from that of Mr. Gonsalves, except that the wording is more numerous and that mention of other communities and institutions is made by way of illustration. But the central purpose of both the amendments is the same. There is also a similarity between the two provisos in the two amendments. Mr. Saldanha's amendment says that the scope and manner of such exemptions shall be regulated by rules to be made by the Government and Mr. Gonsalves' amendment says 'subject to such conditions as they think fit.' There is no difference between the two amendments and the object of both is the same. There is no point in going over the same grounds over and over again and hearing a repetition of arguments. I therefore submit that the amendment be disallowed as being out of date."

\* MR. PRESIDENT:—"The amendment proposed to be moved being inconsistent with the previous decision of the House on an identical question, I rule it out of order."

Clause 1 was put and carried.

The Preamble was put and carried.

\* THE HON. MR. V. I. MUNISWAMI PILLAI:—"Sir, I move that the Bill be passed into law."

"I feel that I must say something on this auspicious day when the Upper Chamber is going to place on the statute book of this province a measure which will bring peace, pleasure and plenty to the starving millions. Several criticisms have been made during the course of the debate and these I think have been made with a constructive policy not with a destructive intention. One member representing the scheduled classes said on the introduction of this Bill that he was voicing the voiceless millions in the State. I do not know what he means, perhaps he represents voiceless coconut trees which are giving toddy to the labourers or the depressed classes themselves. As one who has been in the field for years for the elevation of the depressed classes, I know the depressed classes feel that the temptation must be removed and thanks to the efforts of the Premier, the Bill has been brought before the House. My hon. Friend from South Kanara (Mr. Saldanha) whom I know for the last twelve years ever since I entered the Legislature of this province, has been very earnest in the love for prohibition. On an occasion like this he thought that this Bill will affect a certain section of the people and he has been making constant references that there has been an infringement of individual liberty and freedom. I say, Sir, this Bill has been passed not with the intention of harassing anybody. The idea is that it should bring in happiness to the homes of those unfortunate poor people. I am sorry that my hon. Friend (Mr. Ramakrishna Reddi), a Vaishnavite, said that toddy must be given to the labourers in the Holy Tirupati Hills. I am a Vaishnavite and am sorry that toddy should be used there."

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RAO BAHADUR M. RAMAKRISHNA REDDI:—"I never said that toddy should be given to the pilgrims who go to the Holy Hills. I said that the labourers were able to ascend the Hill twice and thrice because they took toddy. I am sorry that my hon. Friend has misunderstood me."

\* THE HON. MR. V. I. MUNISWAMI PILLAI:—"I never said that the hon. Member advocated that toddy should be given to the pilgrims. What I wish to observe is that, it would not be right and certainly unjustified, when a certain section of the Hindus are not allowed on the Hills by reason of their birth, that this curse of drink should be allowed in the Holy Hills. Some Members said that this was a hasty legislation. I ask them, 'Are we to bring in a legislation after our poor people have been buried under the debris of poverty and ruin. This is not a hasty legislation. Even the Justice Party has in unequivocal terms said on the floor of the last Council that prohibition was their ultimate aim. The mind of the public has been prepared for its advent. Turn to any part of the Presidency, you will see there that this is welcomed. As Minister in charge of the portfolio practically every day I get petitions and letters requesting that the scheme should be extended to other districts."

10-15 p.m. "Sir, I think we must congratulate the Hon. the Prime Minister; for he was the Secretary of the All-India Prohibition League long before the Congress thought of Prohibition, and now under the ægis of the Hon. Prime Minister we feel proud that this enactment is being placed on the statute book. I thank once again every hon. Member of this second chamber for the earnestness with which all of them participated in this Bill, and I appeal to them to help us in the working of this Bill, so that the provisions of the Act may be well applied and the province may prosper."

\* DR. P. J. THOMAS:—"Mr. President, Sir, at this stage and at this late hour, I wish to make only a few observations with regard to the implementing of this measure. Total prohibition in an area is a measure affecting a wide range of economic activities, and I feel we would be failing in our duty if we do not find means of maximizing the benefits and counteracting whatever evils that may possibly emerge. We have to see how it would affect the economic condition of the people. First and foremost comes the possible effect of prohibition on employment. I do not know whether Government have made any estimate of the number of persons employed in the liquor trade in the Salem district. I hope it has been done, as every Government introducing such a measure must. According to the census of 1931, I find there were as many as 9,700 persons engaged in tapping and we can safely assume that an equal number are engaged in the other branches of the trade. Thus we may take it that about 20,000 persons are engaged in the drink trade. Assuming that each of them has to feed five mouths, i.e., himself, his wife and at least three children, it comes to 100,000; that is to say, about a lakh of people are directly connected now with the drink business in Salem district. Nobody has gathered

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the exact figures; anyhow it is certain that a large number of people will be affected by this measure. It is possible that some of them will be absorbed in the tapping of sweet toddy. And I should like very much to ask the Hon. Prime Minister or the Minister in charge of Excise, as to the probable number of persons who will be absorbed in the tapping of sweet toddy and in the making of *gur* or molasses. I hope they had made some preliminary inquiry in this regard, because those who make such far-reaching laws are expected to do this and because they have to see that the least disturbance is caused in this matter among the working classes engaged in the liquor trade. But we have no evidence that Government have made any such enquiry.

"Sir, the Hon. the Prime Minister made reference to the unemployment among the bullock-cart men on the coming of the motor-car and other fast vehicles into vogue. I fear the analogy is not very happy. We who once loudly complained against the importation of cotton goods made in power mills—we who called for relief to the handicrafts severely affected by the influx of cotton goods into this country from Manchester—cannot now turn round and argue the other way. In the present case, it is not an invention, nor an act of God, that is leading to unemployment, but it is an Act of the Legislature, a deliberate act by Government, whose evil consequences we are bound to provide against. Therefore, it will be good if Government, side by side with the introduction of prohibition, have on hand a scheme to absorb such of those persons as may be unemployed. Perhaps a good number of the tappers will be employed in tapping sweet toddy. Perhaps new workshops for *gur*-making will be started, but this will take time, and all may not be thus absorbed. I therefore think that it is necessary to think of a colonization scheme in Salem. I understand that there are waste lands available in Salem district for colonization. In this manner, some of these poor people may start life afresh, and thus turn a new leaf in their lives. If carefully planned, model villages may arise. Again, is it not possible for Government to put into execution immediately public works schemes that have been held in abeyance for the last few years. In other countries when large numbers of people are unemployed, public works schemes are launched by Government to provide employment to the people. I hope this will be possible in Salem.

"I also hope, Sir, that some counter-attractions will be provided to the working classes, when closing the liquor shops. Those toddy shops and taverns have been the evening clubs of the working man; we must replace them by providing healthy counter-attractions. Ordinary cinemas may do harm, but educational films would be most useful. Opportunities for adult education must also be provided so that these miserable persons may have new tastes and new interests. Reading and writing will open a new world to these poor people and make them changed men. In these circumstances, it was a little disheartening to hear an hon. Minister say that Government did not contemplate any other action than closing liquor shops."

THE HON. MR. C. RAJAGOPALACHARIAR:—"May I know whether the hon. Member is referring to me?"

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DR. P. J. THOMAS:—“ No, Sir, it was not the Prime Minister that said that. I do hope that he realizes that Government's duty does not stop with promulgating the law. It must aim at redeeming the drunkards from their miserable ways of living. Prohibition is not an end in itself, but only a means to a higher goal—economic and social regeneration. If so, we have a duty to see that the money now spent on drink will be saved and spent for more useful purposes. These people have wasteful habits and when liquor shops are closed, they may take to some drug or some other vice. So we ought to encourage thrift among them, so that they may have money eventually for buying their own houses. Only by encouraging saving can we change their lives. Thrift societies must be started among them and saving must be made almost compulsory in some way. This may be called paternalism, but a Government that believes in stopping drink cannot talk in terms of *laissez faire*. Such measures are in keeping with the spirit of the new Government.

“ Sir, although the Hon. Prime Minister has denied that prohibition was merely an experiment, he has admitted the necessity for gathering experience from putting through this measure in Salem. May I know what provision Government are going to make in regard to that? I do not think mere impressions would be of any use. We should have facts and figures, the progress of improvement should be watched continuously, and recorded accurately, and for this there should be some impartial agency, whose sole duty should be to survey the effects of prohibition. They should record the changes that take place in the income of the labouring classes, then expenses, and then economic life generally. They must also watch the turn-over of trade in the locality and other indications of economic progress. All this will be of great value when extending prohibition to other districts. I firmly believe that in future, economic policy must be shaped on the result of enquiries, and for enquiries in social phenomena, the introduction of prohibition is a suitable opportunity. I hope Government are not going to depend merely on mere impressions; we live in a scientific age, and we must form our conclusions by weighing and measuring, by collecting statistics and interpreting them. There are suitable barometers for measuring social and economic improvements. We have to devise such barometers to suit our conditions. This must be done by scientific students and not by mere enthusiasts.

“ The only other point I wish to make is about the financial implications of the measure. I do not know whether the Hon. the Prime Minister has gone into the question as to how to make good the loss in revenue. I hope he will engage himself with the question of exploiting fresh resources. I do hope he will not be disinclined to levy fresh taxes, if found necessary; because, there are certain directions in which fresh taxation is possible, and I do hope that, although taxation is unpopular with popular Governments, he will not quail from his resolve to impose fresh taxation. In truth, taxation is not to be considered as a loss to those who pay taxes, because if the fresh revenues are to be used for developmental purposes, the community would

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get back much more than it gave to the treasury. To leave money in the pockets of the people was formerly regarded as a virtue in a Finance Minister, but to-day we know that money in the coffers of a forward Government might fructify more amply than in the peoples' pockets. This principle may be considered new but it is very ancient. Of course, this can only be urged effectively by a Government pursuing a forward policy. In the United Provinces, for instance, we have a Government bent on carrying out a new financial policy of the kind I have in mind. Further in a land of such wide inequality in wealth, taxation may be a suitable means of toning down such inequalities. I would commend these ideas to the Hon. the Prime Minister.

“ Finally, Sir, I feel that I must express my sincere admiration for this humanitarian measure, and for the high ideals which inspired it. I say so, not because I am in agreement with all the provisions of the Bill, but because I believe it is essentially a benevolent measure. The people whom the Hon. the Prime Minister wants to benefit by this measure have no votes; they are poor and down-trodden. They have no political power, and herein lies the benevolence of the measure. It is also a heroic measure. Prohibition has always been a plank on the Indian Nationalist platform, but its difficulties are so great that, so far, nobody has had the courage to put it into operation. It must have been a fond dream of the Hon. the Prime Minister for many years; that dream is now materializing into a fact. Cautious people and wise-  
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 p.m.  
 acres can easily find objections when some bold social legislation is being put through. But men of vision like our Prime Minister will not be dissuaded by such objections. Such bold schemes may not completely succeed, but they may raise the world to a level higher than before. Prohibition may have failed in America and other parts of the world, but it has been a necessary stage in the task of bringing liquor under control. In the opinion of many people, control is a better method than total prohibition. But as things now are the discipline of prohibition is necessary before an effective system of control can be devised. I offer my sincere congratulations to the Hon. the Premier for so ably piloting this very difficult measure, and I wish it all good luck.”

\* DR. SIR K. V. REDDI NAYUDU:—“ Mr. President, the Hon. the Prime Minister has referred to the sceptics and their scepticism on this side of the House. Sir, I plead guilty to the charge. It may be I have been sceptical so far as the result of this Bill is concerned. It is easy for the Government to get the Bill passed; but what we are sceptic about and why we are sceptic I shall presently state. But before I do so let me at once concede that those who are responsible for this Bill are actuated by the highest of motives and the noblest of intentions (Hear, hear) the object being to see that men are reformed, that the drink evil is removed and that these people who have been wasting their moneys on drink might become more prosperous and happier. To that intention nobody can raise any objection. Nobody questions the intentions of the Hon. the Prime Minister. Why then have we raised objections to the Bill? I will give the reasons.

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I believe and some of my friends here do believe that there is a class of custom and practice which however they might seem to be injurious cannot be cured by legislation. They have to be cured in a different manner to which I shall presently refer. But when legislation intervenes and when morality is sought to be enforced by means of legislation, there is always the danger of a certain amount of reaction which not only defies the provision of the law, but what is more important, attacks the spirit of law-abidingness inherent in human nature. It has been said, Sir, that Governments govern people with the consent of the people and laws are obeyed by people because there is an inherent desire amongst the people to obey the law. Otherwise no Government can be carried on. But where the law puts restraints upon the customs and practices to which I am referring, there is this danger of not merely defying the law but what is worse, checking the spirit of obedience to law. I believe, Sir, this is one of those laws. Perhaps I had better illustrate what had happened in my country a few years ago. I was telling that reforms of this kind are very desirable and necessary and about which there can be no question but they are better achieved by propaganda and by education and not so much by putting some law on the statute book. I was submitting that I will give an example. We had some time ago in our community a very very unfortunate practice and that is this. On the 15th day ceremony after death takes place certain ablutions are made at day time and at night we have another function. We invite all relations to dinner and we purchase some gallons of liquor. We kill half a dozen sheep and we invite our priests to perform the function. The priests come there. Very often they are Sathani Vaishnavas. Like my friend there I also happen to be a Vaishnavite. My ancestors had these Mudra Dharanams down to my father's time. What effect the ceremony had on my future will be appreciated by the House. On an occasion like that not only the Vaishnavite Bhashyakara but also the Sri Vaishnavas would be present. On the occasion I was referring to the difficulty first arose as to who was to officiate at the function. Eventually it was agreed that the Sri Vaishnava had the better right and somehow or other it was agreed that he might be the primary one and the other, the Sathani Vaishnava a secondary person and the function then began. An idol which we people put as God was installed there. Various things were placed and the most important of them was this liquor to which I have referred. Of course there were several bottles, perhaps one hundred. Offerings were made to God; but priests and guests however got drunk and when meat and food were served, one of the priests or guests wanted a larger quantity of meat. Of course all were drunk. Drunken is the word, not mere drinking. Then began a scene which I can never forget in my life. The quarrel arose; some defended; and others attacked the serving man and in a few minutes the tufts of one man were in the hands of another with the result that the food that was served was all smashed. Food was flying about. I cannot give a better description than that. All the evils of drink were there. It was on that day a few young men of my community swore that this

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practice must end. And if to-day some hon. Friends find that we do not invite the priestly class either in connexion with ceremonies or for marriage or death or for a similar occasion, that day and the spectacle that we saw then was the cause of it. What did these young men do? They swore themselves that they would not allow drink to be brought in their houses. Incidentally I may say that to this day we had not invited the priests. That part of it need not be taken into account now. Half a dozen of them began to preach all round and refused to go to the house where a ceremony with liquor was held and the result is to-day in my community in the town of Rajahmundry this deplorable habit of priests and all members of a respectable community drinking and causing so much havoc has ceased. These young men went from door to door and preached for years. We did not succeed in the beginning and years rolled on. Our experiments, however, succeeded finally and to-day except in one or two families in a community which consists of thousands of people, you do not find this drunkenness not even drink on such ceremonial occasions. Well, Sir, my submission is that this is a reform, a very desirable reform. I would go further and say this is a necessary reform but it can be achieved more by education and by propaganda.

"I shall immediately proceed, Mr. President, to the reasons why we oppose this Bill. It is not the case that there is something wrong inherently with the objects of the Bill. Certainly nobody with any conscience or sense of responsibility will ask people to drink and become drunkards. I have no axe to grind in this matter. My friends know that I do not drink, much less am I a drunkard. Why then do I oppose the Bill? I shall state the reasons as briefly as I can. First, Sir, I oppose this Bill because it destroys individual liberty. Well, Sir, the Hon.\*the Prime Minister was referring the other day to this question of liberty that whenever some law is passed some liberty must be restrained. I quite agree. But there are restraints and restraints. We are reading to-day so much about Bolshevism, the Fascism of Italy and another kind of Fascism, Nazism, in Germany. On the other hand we have in England a democracy. What democracy wants is a freedom from the restraint of the State. What these three countries which I have mentioned want is the restraint of individual liberty for the purpose of serving the State. That I take it is the difference between democratic countries and countries which have Bolshevism, Fascism or Nazism. Well, Sir, I have stated that what the democratic countries want is not merely the freedom which had to be restrained or the restrictions of freedom which are essential in the interests of the State as is done in those three countries but freedom from the state itself. It is that kind of freedom, Sir, that I am speaking of. What the Prime Minister has stated has reference to those other countries and the restraints that are put upon freedom of the individual of those countries.

"Be that as it may, we do feel that drunkenness ought to be stopped in as high-handed a manner as can be conceived of and as any law can

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permit. Mere drinking of a glass of liquor just before meals and things like that should not be restrained with the rigor or what I call the bandobust that is found in this Bill.

“Next, Sir, I oppose it because I feel that in spite of what my hon. Friend Mr. Thomas has stated, the labourer in the field requires some stimulant at the end of a day's hard work. Sir, I belong to an agricultural family, I have tilled the ground with my own hands, I held the plough, I drove the bulls, I drew water from the wells, I have lived with these people for years and years and so I know their troubles. I expect that some consideration for the man who has worked for 10 or 12 hours a day should be shown. It is only those who have worked with them can understand their troubles. The labourer in the field has to do all kinds of work, he gets up at 5 o'clock or even earlier, goes to his master's house, makes the necessary preparations, comes back with a heavy load, goes to the field, digs the ground, waters the field, goes up the trees and brings down the coconuts for the master and after 10 or 12 hours work the man naturally feels tired and so some relief is necessary for him. As has been pointed out by Dr. Thomas, we have not yet been told what substitutes the Government are going to give him. As I said the other day, so far as we are concerned, we go to cinemas to spend our time or play bridge, or attend races; we attend public meetings. What has this poor man got? He is not admitted into society; his own house is in the field itself; it is a solitary house and there is no company for him except perhaps his wife—and the wife again works as hard as the husband. So, some sort of recreation is necessary which need not lead him to drunkenness, mark you. Unless there is something which gives him joy or some other thing which relieves him from the strain of hard work there is no good of this provision. Surely, Mr. President, I feel that this Bill benefits the rich man at the expense of the poor man. A little while ago I was telling you that it will be very easy for the rich man in the country, or the man in position, perhaps Advocates and officers and big merchants and also zamindars, to get licences easily enough, but the poor man in the field who is after all an under-dog, will not be able to get these licences.

“The fourth reason why I object to the Bill is this. I feel that the effect of this Act will be that it will increase the import of foreign liquor and completely destroy the indigenous industries as my hon. Friend Mr. Saldanha put it. I understand that the object of those who are responsible for this Bill is to destroy the drink evil because it is an inherent vice; and we cannot blame them for that; but what we are afraid of is that the effect of this will be to increase the import of foreign liquor. I am perfectly certain that in towns and even in big villages resort will be had to these licences and the holders of such licences will go to clubs and institutions which will supply drink to those who hold the permits and perhaps not merely to those who hold these permits but also to those who do not hold the permits. The result must necessarily be increased import of foreign liquor, for the prohibition of which this law is not so very restrictive as it is in the case of ordinary toddy and country liquor.

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“The main opposition to the Bill comes from the next point to which I propose to refer, and it is a point which has been referred to by many hon. Members of this House. My hon. Friend to my right (Dr. Thomas) has just now referred to it and that is the financial question which involves about 4 crores of rupees, which is nearly 25 per cent of the revenues of this province. Sir, it has been said—not perhaps in this House but I have read it in the papers—that in Bombay and in the United Provinces they are following the lead of this Presidency and are going to introduce prohibition in those provinces, but be it remembered that in Bombay and in the United Provinces, their revenue is only 11 or 12 per cent of the total revenues of those provinces and this difference has also to be borne in mind. Be that as it may. The Hon. the Premier or for that matter the Minister in charge of the Bill has not told us how it is proposed to recoup these four crores of rupees. Their intentions have not yet been disclosed to us. To me it appears that this loss cannot be made good by making a cut in the salaries of officers or by any other retrenchment. But the only possible way, as has been pointed out by my hon. Friend here, is by levying new taxes. On whom does the new tax fall? For the sake of your puritanical ideas and proselytizing tendencies, honest and simple people will be taxed. You are robbing Peter to pay Paul. For the sake of reforming the drunkards by making them give up drink, you will tax the very people who sent you to this House in such large numbers—not only into this House but also to the other House. You will have to answer them; of course not now, but when the tax is actually levied. Then they will realize the mistake they have committed. The agriculturists have supported you in a whole body, the bulk of the voters went to the polls at the last elections and this is the return they get. I shall certainly be glad if the Hon. the Prime Minister can devise some means of taxing others, for instance the Vakil friends in Madras who draw thousands and thousands of rupees and such others who get large sums for mere advice. There are also rich merchants who make enormous sums in a single day. I can understand all that, but if you tax the very people who sent you here, the trouble will come and I beg to submit that day will be a very serious day indeed. I hope that that result will not follow this enactment.

“Next, Mr. President, I oppose this Bill on the ground that there are many Draconian provisions in it. I do not propose to refer to them in detail for I had occasion to mention them at an earlier stage of the debate on this Bill. I pointed out what powers have been given to the prohibition officers, powers not merely to obtain warrants for arrests, but also powers to arrest directly and powers to enter into houses either at day time or at nights when perhaps the women are at sleep and I do not know what else they would do, all for the puritanical desire of finding out if some fellow had a glass of liquor in the premises. I submit, Sir, these are too Draconian provisions. I do not know what hardship it cannot cause to innocent persons. It is not possible for us to envisage now. We have to watch and see, and I do feel that many of the provisions contained in the Bill are so Draconian



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in their nature that we will be perfectly justified in apprehending dangers which are perhaps not apparent to hon. Members on the other side because of their enthusiasm and earnestness, noble in themselves, but are fraught with consequences which cannot be easily foreseen at present.

"Then, Sir, apart from this question of personal safety and liberty of the citizen and the privacy of the home being attacked, there is also the question of spying. Well, Sir, the Hon. the Prime Minister was telling us the other day his opinion about the C.I.D. of which I know something myself. But many of our comrades were long telling the world, how cruel that department was, how false that department was and what false reports they were sending to the authorities, how they shadowed people and how they themselves felt aggrieved at their conduct. But now, Sir, I am glad to learn that on account of the changed conditions in administration, the Hon. the Prime Minister has agreed that the C.I.D. is necessary. (A voice: Probably borrowed from their masters). But, whatever it might be, the fact remains that there is that admission."

\* THE HON. MR. C. RAJAGOPALACHARIAR:—"I wish to tell my hon. Friend, I never said that spies were bad people. I have not changed my opinion. They were always good people."

\* DR. SIR K. V. REDDI NAYUDU:—"We must both agree to differ. I am making a distinction between the C.I.D. and the spy. I do not call the C.I.D. officers spies, because they are performing the duty of the State and as my Hon. Friend himself has admitted that kind of C.I.D. work was going on from the earliest times in this country. But in the Telugu districts we have known of a kind of people called 'charas'; they are not C.I.D. people; they are not merely spies. So, between the C.I.D. and the spy, there is so much room for people like those I have described to thrive. We do not know what these informants contemplated in the Bill will do. Judging from the past, judging from our experience in certain districts, I consider that this class of spies which this Bill will create, will do more harm, the nature of which it is not easy for me to envisage at this stage."

"These, Mr. President, are the reasons why we are opposed to this Bill. It is not because we like this drinking; it is not because we want to encourage drinking, because as I have told you previously, we hate this drinking as hon. Members on the other side do. And just as we on our side appreciate and even applaud the good intentions which prompted the Ministry to introduce this Bill, apart from the question of what its effect will be, may I hope that hon. Members on the other side will also realize that we too, as honestly and as sincerely believe, in what we are saying. We say, it is not because we are sitting on this side that we entertain such apprehensions about the Bill, but we have reasons for these apprehensions whether they are right or wrong, it is not possible to say at present. Time alone will judge it."

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"Mr. President, I shall finish what I have to say after referring only to one thing more and that is the second sentence of the preamble. It says—

"And whereas it is desirable to give effect to the abovementioned policy by introducing it in certain selected areas in the said province and utilizing the experience gained therein for extending it to the other areas thereof."

I welcome it. At one stage, it was said that this question of prohibition was a settled fact. The Premier says that it is still a settled fact; but this preamble gives me a hope that what they are doing is a small experiment, which, if it succeeded, will be extended throughout the presidency. By all means, go ahead. I can assure you of this, that sceptic as I am of the success of the measure, I will not do any dirty propaganda against this. We believe in the supremacy of the law and the moment this becomes an Act we are bound by it as much as anyone on the other side of the House. We shall help the Ministry in the maintenance of the law. But when we find that a fresh burden of taxation is to be imposed to make up for the loss of revenue, I warn, with the greatest respect, that our greatest resistance will be offered to it. But meanwhile, we offer our help."

\* MR. T. C. SRINIVASA AYYANGAR:—"I desire, Mr. President, to express how proud I feel to-day when the question of the evil of drink has been tackled and solved. On all hands, it is accepted that the drink evil has to be put down and even the party in power previously passed pious resolutions that total prohibition was their ultimate aim. But all the same, they had not the heart nor the courage to take the necessary measures for putting it down. Now we have men who have faith in themselves and who are determined that if ever this question is to be tackled, it ought to be done with the minimum loss of time. Let us hope that the supermen—I am not saying that they are super-human—with their determined efforts and experience will put the scheme successfully through. The ideal, which is the time-honoured ideal of the eastern countries, to recover and realize which this Bill has been brought forward, should commend itself to all and it is up to every one to give his help and co-operation for carrying out the purpose of the Act. My hon. Friend Dr. Sir K. V. Reddi gave a number of reasons why he opposed the Bill; I am sure if he had had time, he would have found more objections. I was astonished that he was rather moderate. But at the same time the pious platitudes that fell from him now and then is an indication of the greatness of vision upon which the Ministry has embarked and the fickleness of mind of those who, while seeing the morality of it, are unable to see the possibility of achieving it. But it is really gratifying to see the official leader of the Opposition bless the measure with so much of warmth. He is not alone in his condemnation of this drink evil. It has been condemned by all the denominations and leaders. The Premier has stated one can only take the opposition of some of the members opposite as a warning of the difficulties in the way, and as given in a spirit of good will so that the experiment may become successful. Whoever doubted the difficulties? Whoever doubted the

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vastness of the task. But all the same, deep-rooted evils require drastic remedies and we should not, even if drastic powers have been taken by the Government in their heroic efforts to put down this evil, grudge giving them the extraordinary powers. It is no doubt a great responsibility that the Ministry have taken upon themselves. Let us wish them God-speed in their endeavour. Upon the success of this measure will depend the greatness of our nation which has lived through so many centuries and upon the success of this measure depends the moral uplift, the social well-being and the spiritual elevation of the masses of this province."

\* MR. S. K. AHMED MEERAN:—"Mr. President, I rise to express how happy I am that this Bill is going to be placed on the Statute Book. This Bill has received general support from all sections of this House, even though some members here and there gave expression to some views which might not have been the same as those expressed by the other side. Some misgivings have been expressed at the time of the introduction of the measure and also just now when it is to be passed into law that some of the provisions are Draconian in their nature. I myself entertain to some extent some suspicion with regard to some of the provisions of the Bill, though I do not think they are Draconian in their nature. I know that there are some sections which undermine the long-established notions of criminal jurisprudence. We have heard that the general principle in all criminal trials is that the accused must be presumed to be innocent until he is proved to be guilty. But this principle, it is said, is sought to be reversed. Though I, as a lawyer, have some suspicions as to how such provisions are going to be worked, yet I feel that it is my duty to support this measure through and through. They say it will not succeed because there is curtailment of individual liberty, because the provisions are Draconian in their nature and it is beset with tremendous difficulties. They say that there are coconut trees in the backyard of every house and that this habit is as old as humanity itself, if not from the time of Rama or Ravana. Yes, I admit that the habits are as old as humanity itself and all the same it is recognised as an evil. When this is an attempt at ending an evil when there are practically insuperable difficulties in the way, when any man with a coconut tree at the backyard of his house can practise it, I do believe that to check it the State must take some extreme powers even if it be Draconian in their nature. Everybody admits that it is a very stupendous task that the Government have taken upon themselves. Let us arm them with the power necessary to take us to a millennium when we would have plenty, and peace and happiness would smile in the land. Unless we take some drastic measures, I do not think we can ever succeed. So much has been said about the curtailment of individual liberty; I say, Sir, that this is a thing which none can possess so long as we live in a civilized State. If you want to have individual liberty in the abstract sense, we shall have to revert back to the Stone Age. The first thing you observe on getting into the street from your house is 'Keep to the left.' I am not allowed to

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walk in the middle of the road. Why should my individual liberty be interfered with? The reason is that the state of the present day is such a complex organism that you cannot have individual liberty in anything in life and the State must intervene and regulate your actions and movements. You cannot claim it in this civilized complex State. You can talk of individual liberty and freedom in its abstract sense, but when you try to put it into practice, you feel that it is denied to you. The more civilized you become, the more you are restricted in your movements and speech. Let there be a curtailment of liberty and let us only succeed. If we succeed and eradicate this evil, if we wean away 75 per cent of the people that drink now, from their habits, then we can perhaps amend the legislation and remove the Draconian provisions, to which exception has been taken. It is admitted that it is a stupendous task. So it is but natural that we have to be strict, and take stringent measures to ensure success. It has been said that it would involve so much of financial loss. I say, Sir, that these things ought not to worry us. It ought to worry the Members of Government. If, as a result of the financial loss they try to curtail many of the ameliorative measures which go to make for the well being of the country, then it is time to say 'What about the drink revenue? You gave it up without any thought for the future and now you want us to pass this measure and curtail the amenities of the people.' So long as such a thing has not come to pass, it is not our business to tell them 'You are going to lose revenue; so do not pass this measure.' It is their look out. But, speaking for myself, I do not see how there will be any financial loss. Where will all this money, which the drunkard is going to save on account of the introduction of prohibition, go? The Government is going to lose only Rs. 26,00,000 on account of the prohibition scheme; but reckoned according to the calculation of the Premier, we shall be leaving in the hands of the drunkard at least four or five times that amount. This money he is not going to throw away in the Bay of Bengal. He will purchase clothes and jewels for his family. The cloth-dealer, the grocer, the goldsmith and all others will get more money. Their purchasing power will be enhanced and the money will remain in the country and in that way, the prosperity of the people will be brought about. It has been said that this money is not going to stay in the hands of the drunkard; but I say that the money will not vanish from him as it hitherto did. It must have some outlet and for that there are the people whom I have named. They are benefited and they can be further taxed. A grocer getting Rs. 100 per day now will get Rs. 150 hereafter and he will not grudge paying a small tax to Government out of his increased earnings. It is a sort of income-tax that these people are asked to pay. Necessarily some tax will have to be imposed.

"Apart from that, I do think if it comes to a question of additional taxation, there are other sources of taxation, and I do sincerely think that people will be willing to bear the brunt of it. So I do not think this question of reduction in revenue need worry us in any way.

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"Then only one word more, Sir. Dr. Thomas referred to the question of those who will be unemployed as a result of this prohibition. To a certain extent I admit there will be unemployment; but of those thrown out of employment, some will be absorbed in sweet-toddy drawing and sweet toddy-tapping. As already forecasted it may result in the production of more sugar, and in this industry, some people will be absorbed, and a considerably more number will take to some other business. Surely nature itself will work itself out. By this, I should not be understood to mean that Government should not or need not do anything to relieve unemployment. Surely I believe sugar industry can absorb a large number of these people. At present we have improved that industry to such an extent that we have been able to shut out foreign sugar, and now I understand the Government of India are trying to ratify an agreement by which they hope to cut short the export of sugar for another five years. When we can do that, I cannot see how we cannot succeed in absorbing all the unemployed in some industry or other.

"I do once more congratulate the Premier on this Bill and on taking this bold step of eradicating this age-long evil. I give expression to it because the Premier said that very many members on our side were sceptic about its success. I do say very many of us are equally hopeful and are very optimistic about its success, and we give our blessings to this Bill in its entirety."

\* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Sir, I rise to congratulate the hon. the Premier, for it is a matter of great pleasure to me that this important measure is to be placed on the statute book. As has been pointed out, prohibition was one of the items adopted by the Justice party in its programme of work. When it was in office, it was not able to make any progress in it, because finance was a reserved subject, and we had not control over it. There is now Provincial Autonomy and it is a matter of great pleasure to me that under Provincial Autonomy the members of Government have been able to bring this measure before this House.

"Sir, I should just like to say that great fears have been expressed about the working of this Act. I am an optimist, and I know that the difficulties surrounding this movement will be solved by the Government with the co-operation of all parties that are here in this House.

"Some of my friends have really, I think, brought to the notice of Government that some of the provisions of this Act are no doubt going to work hardship, unless Government take great care to see that executive instructions are issued to their officers to see that innocent persons are not in any way harassed. As has been pointed out by Mr. Narayanaswami Nayudu, section 4 contains clauses which may lead to serious difficulties. I am extremely glad the hon. Premier has given the assurance that any difficulty connected with that clause that may arise will be very much prevented. I am sure that executive officers who will be entrusted with the carrying out of the Act will receive definite instructions from the Government that nothing should be done to harass innocent persons.

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"I know that this Bill gives permission to people to obtain and store liquor in their houses and for religious purposes. As hon. Members are aware there is in this country a very important community, the European community, who are accustomed to moderate drink, and it is but just that they must receive facilities in this direction. What I want to emphasize is that they should not be put to any difficulty in getting permits. Some of my hon. Friends coming from South Kanara have said that they require alcohol for religious purposes. I would again emphasize that great facilities should be given to the Christian community so that their religious observances are not interfered with. Sir, I have nothing more to say than to offer my sincere and heartfelt thanks to the Hon. Premier for the able way in which he has piloted the Bill, and I wish the Bill every success."

\* KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR:—"Sir, I congratulate the Hon. Premier and the Minister in charge of the Congress Government for this measure. It also will remain on the statute book till the end of the world, till the Indian nation lasts as a piece of legislation which has come to the rescue of the millions. When Arabia was in darkness, when the whole world was in darkness it was Islam which removed the cause of poverty, crime and evil by prohibition. Among Muslims and in the Islamic religious books, drink is termed as "Ummul-Kavayis," i.e., the mother of all evils and crimes. You, Sir, have tackled the killing of the great mischievous monster with this piece of legislation. I wish the whole of the Presidency is brought under the operation of this Act very soon. As regards the finding of substitute money for the loss in revenue I think it will be very easy to find it as some other members have suggested. And if it comes to a question of cutting short certain of our amenities, I, on behalf of the Muslim community say, that we can deny certain amenities which we are now enjoying. With these few words I sincerely and heartily congratulate the Ministry and the Government and all concerned with it for this piece of legislation."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I had intended not to speak on this occasion and so I asked the Hon. Minister for Agriculture and Rural Development to move that the Bill be passed into law. But after the remarks, the observations and arguments so eloquently made by hon. Members like Sir K. V. Reddi, and, if I may say so, even by Brutus, Dr. Thomas (laughter) I thought I must not allow the Bill to be passed into law without saying a few words on this occasion.

"Sir, I am overwhelmed by the words of encouragement, hope and congratulation tendered by the Leader of the Opposition. I may say at once, Sir, that more than half the joy and more than half the credit belong to the Leader of the Opposition here and the Leader of the Opposition in the other House in regard to this measure. If I am glad over it I am all the gladder for the fact that the Leaders of the Opposition in both the Houses have somehow or other been

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brought to look upon the efforts of the Government with so much favour and so much co-operation in spite of differences—certainly very serious differences—of opinion in regard to certain matters. I am moved, therefore, by this phenomenon more than anything else, and that at the same time gives me the feeling that we are destined to succeed in this effort. Sir, it was pointed out by one hon. Member as if there was some contradiction between the Preamble of the Bill and my statement when I said that this is not an experiment in the sense that we may withdraw it, but that we want to correct ourselves on the experience of this little step we are taking in Salem. Sir, this is a stage; we want to go slowly and extricate ourselves from the coils of this bad thing. So far as I am concerned this is not an experiment. But surely, the House which passes this Bill should certainly have the right to say, 'We shall gather experience from what has been seen in this area.' I do not see why the whole House should not deem it as an experiment in that sense. Those responsible for the initiation of this measure have no half-made-up mind about this at all. They did not introduce this measure with any scepticism. But certainly the House has a right to say, 'Try it in Salem first, then we shall try it elsewhere in the light of experience that has been gained.' I will go further and say, the experience of the enforcement of prohibition is what Government want to gain.

11-30 p.m. " Dr. Thomas, with his natural bias for surveys, investigations and inquiries, which every political economist always deals with, enquired as to whether we have got any statistics of persons engaged in drink trade; he enquired how many persons are directly engaged in toddy drawing, how many are engaged in sweet toddy, how many persons will be affected by the Bill, how many are going to be absorbed in sweet toddy drawing and how many are to be absorbed in sugar industry and so on and so forth. With an eagerness and a natural and proper bias he asked the question, 'Is it the experience of the enforcement of prohibition that Government want to gain?' Probably he thought that Government could only go about enforcing it by lathi. We are not going to enforce it by lathi; we know the lathi is of no use. We know that proselytization of this kind is looked down upon as something that Government cannot do. Proselytization is of no use even as enforcement by lathi is. For, what sincerity can there be in propaganda, if at the same time as it is carried on, the liquor shop is allowed to be run and is thrown in between the poor man's cash and his home? Propaganda there would be even now, but without the liquor shop. But what sincerity can there be in propaganda when you allow your friends to go there? When you allow your Government to run the shop between cash and home, I submit that propaganda is no use. The evil can be remedied only by making it illegal for anyone to run a shop private or public. Propaganda will go on. Enforcement will no doubt be difficult. And the experience of enforcement which we gain in one place we will use in another place. That experience with regard to men and affairs we will use in another place. It was

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said, 'place the rules and restrictions before the House before you enforce them.' There was no need for an amendment of the kind. Do we not come up before the House in budget time when a whole month would be available for hon. Members to state all their objections? That is the opportunity for the House to condemn us if we deserve condemnation. 'You are going to make up the four crores, somehow or other', said one hon. Member. 'You are going to tax the people. You are a bold man. You are going to tax the very people who sent you to this House in large numbers.' I appreciate that very much. I appreciate what was at the back of the mind of the hon. Member, Sir K. V. Reddi, which brings out prominently the first remark, viz., 'The agriculturists you are going to tax; I am an agriculturist.' It seemed to me as if he was saying: 'I am going to tell the agriculturist to turn you out of office.' Sir, he is entitled to do it. I invite him to do it. I cannot run a drink shop because the agriculturist wants to be saved. But when the agriculturist is saved from this, another agriculturist in the House who had said that drunkenness is bad is questioning even quantitatively why drink is not allowed and he has driven the plough himself. (Sir K. V. Reddi Nayudu: 'My hands do show that they are not as fine as his.' I do not want to drive the point as a whole. Prosperity does sometimes make people get short memory. However if we examine the condition of the agriculturist we will soon find that the agriculturist will be the man and the agriculturist's wife will be the woman who will bless us for this measure.

" Mr. Ahmed Miran made a second beautiful speech and he, I think, has left little for me by way of dialectics, by way of reply to the hon. Member who raised objections. He beautifully pointed out that the money was not going to evaporate, that money was not smoke and that it was a solid reality. Government has a long arm and there is no difficulty for taxation. If we are to be turned out of office we shall not repent for it at all. We are tired already. We will go back and take rest with the greatest joy and advantage to ourselves. If the agriculturist is going to take the place he need not be looked at with greedy eyes. I do not think the country is so bad as that. I am sure this Government is not going to be turned out of office for that. I may assure Sir K. V. Reddi of this. But, Sir, he may find it difficult if he goes again to the electorate. 'What! Are you not going to tax the rich?', asked Dr. Thomas. 'You must not flinch; you must do it, because taxation is not the money that you take away. You are going to spend it and people will see the advantage of it. People of India will also learn how to enjoy.' We thank him for his advice and encouragement and we hope he will lose no time to enter into the inner councils and tell us whom to tax and how to tax and it will not be lost sight of either. We will not flinch if it is necessary to tax people. I have to refer to another aspect of the matter with regard to his speech where I cannot altogether approve of what he has stated. He said in the same breath, 'Where is the comfort? He wants a little club life, a little variety and a little forgetfulness. What are you going to do?' Yes, quite true. We shall do something that way

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also. But I want a little time. If we don't do it, it is our fault. The administration will have to do it. Necessarily it will do it. After all our people are very simple enough. A little bit is enough to please them. If money remains in his pocket, the money will find his amusement without any great initiative and ingenuity on our part. We shall not, on our part, go to sleep. He asked, where are the figures about unemployment? Collectors have reported and other people have reported. The prospect is not so gloomy as the correspondents make it out. Jaggery can be prepared. Dr. Thomas and Sir K. V. Reddi should not take sugar but take jaggery from Salem; then the palm jaggery will come in large quantities. It is not as if there is any danger in it. I have eaten jaggery. It is brown and black. No doubt there is a little sand in it. I like the taste of it and prefer it to white refined sugar. The sand will not be there if you don't put the drink over him and find a better market; it will grow white. It is only the labour people that buy brown jaggery and it does not matter to them whether it is white or brown. So the jaggery is brown. To-morrow when good people, high class people, somehow want this jaggery and there is no occupation for them, hon. Members will know the taste of it is not so bad as it is to-day. There is no difficulty about occupation. All this sympathy for the poor man, all this sympathy for the man who was hitherto being entertained in the toddy shop I would have greatly understood if we do not live on his money. If all this joy and artificial happiness of alcohol had been given to him because he needed it and because he wanted to carry the pilgrims to Tirupati that is understandable. If we have not used his money for our own advantage and if we do not at the back of our mind think of having his money, then I could have appreciated all this sympathy for the other man's club life. But when it is asked what we shall do for the four crores that we lose, I do not think it is half sincere enough for this sympathy. At the back of our mind it is our own anxiety that is working up, I fear. It is not deliberate. Yet it is an anxiety in regard to the financial consequences of the reform. At any rate, we should divide the two things. If, Sir, we fail, I now make this sporting offer, if we fail in this effort and if we go back as one hon. Member said, even to control—I think it was Dr. Thomas that said that—if we go back to control after failing in our prohibition, we would have washed our sin and got out of the inextricable mesh we got into for financing schools and colleges, economic surveys and university researches. All this depended upon the poor man's share by that one anna toddy. If we got out of all these and go back to control it will be an honest control and not the dishonest control that we are now practising. Therefore, Sir, even if we fail it is a step in the right direction. We shall have washed our hands in this and put our hands in the proper thing. We are really looting him of his money and using it for our children. We have all heard how the beautiful story of a Brahman gentleman of Sir K. V. Reddi's ancestors' days, has been used. This was a stale story already heard. I was a little too fond of the story. What is

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the lesson when he was converted and why? May we not be converted? May we not say similar things not only of our own houses and priests but of a wider public? All of us have been converted, those who are participants in this measure. But there is something more. It was stated by the hon. Member that the story was quoted in support of the plea for liberty and propaganda in preference to legislation. But it was a very great mistake the hon. Member is making in classifying these matters. I maintain if that story is as true and as possible as he has put it. . . (Sir K. V. Reddi: 'On a matter of personal explanation, I am not yet addicted to lying.') That is not the implication. But I say, when stories are repeated certain details get lost and the beauty remains. That is the object of the story. The story is always more beautiful than the fact itself. I am building on the accuracy of that very statement. I say that the place taken by the hon. Member's friends and relations at the time they were going about and taking pledges was legislation, was compulsion and was restriction. If the members had then told him 'it is no use arguing, come and convert', hon. Friends would then have said, 'no, we must stop it immediately.' After all, Sir, this legislation is nothing more than that. This legislation is a resolution of all of us who are gathered together, who are representatives here that this evil should be stopped. Let us not mix it up with lathi and a foreign Government. Next year it can be overthrown. It is nothing more than a caste panchayat. A true understanding of autonomy leads to that. Law is not an imposition by others. It is an imposition for us upon ourselves by our own conduct when we made our legislation. It is really a caste panchayat. We are all of one caste and not a particular sub-caste. This is the difference between this law and the law of my hon. Friend.

"I submit, therefore, taking the story to be fully accurate, it comes to this, that we must have a caste panchayat here and now and must pass laws, whatever might be the case in regard to broken teeth, tufts of hair and other things narrated by the hon. Mover; and whatever the caste may be it does not matter, we are all of one caste in this respect. I do not think I ought to detain the House; whatever might have been said and whatever else might be said over again hereafter, I believe this is a great day for me. I agree that I am more than happy over it. As I said at the outset, I am much more happy over the fact that all sections of the House join in this great and happy day than over any personal achievement. There is no such thing as personal achievement in this. Let me point out—and I am shrewd enough to see—that it is not an achievement whatsoever, but we have only passed a law. It is not as if it is a thing to be enforced because we have the power to do it. But it is as if we pour castor oil into the child's mouth and make the child all right when it is suffering, though there is a little bit of unwillingness on the part of the child to take it in. Here, tappers may suffer and the renters might have entered into contracts—that is all true. According to our system, it is the same thing as pouring castor oil in the mouth of the child though there might even be a little drop of blood, for after all it is not a bad

11-45  
p.m.

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mother that is doing it and it is done for the good of the baby. In the same way, we are doing it for the good of the people and if it turns out that it is bad for the people and that drink is good, we will reintroduce it again. Again, we are not like America, making a new law; but I may add, we are reintroducing our own law; it is no new law we are introducing to-day, but here we are reintroducing only the law of the land by passing this Prohibition Bill."

\* MR. PRESIDENT:—"The question is that the Madras Prohibition Bill, 1937, as passed by the Assembly be passed into law."

The motion was put and declared carried.

Khan Bahadur Sir Mahomed Usman Sahib Bahadur demanded a poll and the House divided thus:—

## Ayes.

|                                    |                                                       |
|------------------------------------|-------------------------------------------------------|
| 1 The Hon. Dr. T. S. S. Rajan.     | 19 Mr. C. Perumalswami Reddiyar.                      |
| 2 Mr. A. Rangaswami Ayyangar.      | 20 „ K. S. Sivasubrahmanya Ayyar.                     |
| 3 „ K. Madhava Menon.              | 21 „ N. Subba Raju.                                   |
| 4 „ V. V. Jogayya Pantulu.         | 22 „ S. K. Satagopa Mudaliyar.                        |
| 5 „ R. Srinivasa Ayyangar.         | 23 Sir Mahomed Usman.                                 |
| 6 „ K. V. Srinivasa Ayyangar.      | 24 Rao Bahadur N. R. Samiappa Mudaliyar.              |
| 7 „ B. Bheema Rao.                 | 25 Khan Bahadur T. M. Moidoo Sahib Bahadur.           |
| 8 „ N. Sankara Reddi.              | 26 Mr. B. Narayanaswami Nayudu.                       |
| 9 Rao Bahadur V. Vasantha Rao.     | 27 Rao Bahadur M. Ramakrishna Reddi.                  |
| 10 Mr. M. Narayana Rao.            | 28 Mr. S. K. Ahmed Miran.                             |
| 11 „ M. Narayana Menon.            | 29 „ C. P. Mamnu Keyi.                                |
| 12 „ L. Subharama Reddi.           | 30 „ Syed Abdul Wahab Bukhari.                        |
| 13 „ T. C. Srinivasa Ayyangar.     | 31 „ D. Manjappa Hegde.                               |
| 14 „ V. Ganga Raju alias Gangayya. | 32 Khan Bahadur Hameed Sultan Maracair Sahib Bahadur. |
| 15 „ P. Veerabhadraswami.          |                                                       |
| 16 „ K. P. Mallikarjunudu.         |                                                       |
| 17 „ V. Venkatachalamaji.          |                                                       |
| 18 „ V. Venkatapunnayya.           |                                                       |

## Noes.

|                                          |                               |
|------------------------------------------|-------------------------------|
| 1 Mr. S. J. Gonsalves.                   | 3 Dr. Sir K. V. Reddi Nayudu. |
| 2 „ Medai Dalavai Kumaraswami Mudaliyar. | 4 Rao Bahadur M. Raman.       |
|                                          | 5 Mr. J. A. Saldanha.         |

Ayes 32. Noes 5.

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

## IV.—BUSINESS FOR THE 30TH SEPTEMBER 1937.

DR. SIR K. V. REDDI NAYUDU:—"Sir, before the House adjourns, may I know what Bills will come up to-morrow for discussion in this House."

\* MR. PRESIDENT:—"I must take this opportunity of thanking hon. Members for having co-operated with the Chair and for taking the trouble of coming and staying here from 8-30 up to nearly 12 midnight. Government were very particular to have this Bill passed to-day and I take this opportunity of thanking the Members for enabling me to carry through the business. To-morrow, we are having two Bills, namely, the Madras Regulation of Sale of Cloth Bill, 1937, and the

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Madras Local Boards (Amendment) Bill, 1937. So, we will have to meet a little earlier say at 2-30 p.m. instead of 3 p.m., so that we may finish all the items of business by to-morrow."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, as to the Bills that are coming up for to-morrow, I may say, there is the Madras Local Boards (Amendment) Bill and the Regulation of the Sale of Cloth Bill. I may also give for the information of the Chair that there is another Bill which will be moved and probably passed to-morrow morning in the Lower House and that is with regard to the extension of the franchise and the extension of the office of the members who are now sitting in the several municipalities of the Presidency. It is a short Bill and I do not think it will be contested even in the Lower House. It may also come here for consideration to-morrow."

The Council then adjourned to meet again at 2-30 p.m. the next day (30th September 1937).

## V.—PAPER LAID ON THE TABLE OF THE HOUSE.

\* G.O. No. 344, Finance, dated 25th September 1937, regarding the authentication of the schedule of authorized expenditure for 1937-38 by His Excellency the Governor.

\* Laid on the table on 28th September 1937.

## APPENDIX I.

[Vide answer to starred question No. 83 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 29th September 1937, page 360 supra.]

| Name.                                          | Community.  | Profession or occupation, status and qualifications.                                                                                        | Date of appointment. |
|------------------------------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <i>Bench of Magistrates at Mangalore.</i>      |             |                                                                                                                                             |                      |
| 1 M.R.Ry. Ammembal Rama Rao Avargal.           | Brahman     | Retired Telegraph Superintendent.                                                                                                           | 17th May 1937.*      |
| 2 Rev. Krishna Raya Karunkar.                  | Christian   | Vice-Principal of the local Theological Seminary of the Basel Evangelical Mission—B.A., B.L., D.D., member of District Educational Council. | 22nd March 1937.     |
| 3 Mrs. Kavaliga S. Shantha Bai                 | Not known   | Superintendent of the Mahila Sevagram—cultured lady.                                                                                        | 14th October 1936.   |
| 4 Sait Kalyanji Kanji                          | Gujerathi   | Piece-goods merchant                                                                                                                        | Do.                  |
| 5 M.R.Ry. Nagar Venkata Rao Avargal.           | Not known   | Banker, landholder, under-graduate.                                                                                                         | 24th September 1936. |
| 6 Mrs. Greta Neri                              | Christian   | Graduate                                                                                                                                    | 17th August 1936.    |
| 7 M.R.Ry. Mammalethilil Doornappa Avargal.     | Non-Brahman | Landholder                                                                                                                                  | 13th July 1936.      |
| 8 M.R.Ry. Dattatriya Rao Pandit Avargal.       | Brahman     | Do.                                                                                                                                         | 30th June 1936.      |
| 9 Ullal Nadumane Sheediabba Sahib Bahadur.     | Muhammadian | Do.                                                                                                                                         | 29th April 1936.*    |
| 10 M.R.Ry. Evarist Emmanuel Gonsalves Avargal. | Christian   | Retired Sub-Registrar, B.A.                                                                                                                 | 26th February 1936.  |
| 11 M.R.Ry. Hoige Koragappa Avargal.            | Non-Brahman | Merchant; landholder                                                                                                                        | 14th February 1936.* |
| 12 M.R.Ry. Ullal Manjappa Avargal.             | Do.         | Retired Deputy Collector                                                                                                                    | 16th February 1935.* |
| 13 Sherib Ali Abdul Ali Shet Sahib Bahadur.    | Muhammadian | Merchant                                                                                                                                    | 17th December 1935.* |
| 14 M.R.Ry. Badila Thimmappa Shetty Avargal.    | Non-Brahman | Manager of a tile factory                                                                                                                   | 3rd April 1935.      |
| 15 M.R.Ry. Attavar Shivarana Rao Avargal.      | Kabatriya   | Merchant                                                                                                                                    | 15th March 1935.     |

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|                                                |           |                                                               |                      |
|------------------------------------------------|-----------|---------------------------------------------------------------|----------------------|
| 16 M.R.Ry. Mangalore Venkatesha Pai Avargal.   | Brahman   | Banker—Member, Board of Management of the Canara High School. | 4th October 1934.    |
| 17 M.R.Ry. Rao Sahib Albert Leo Pinto Avargal. | Christian | Retired Deputy Collector                                      | 2nd July 1936.*      |
| 18 Mr. Herbert Brito                           | Do.       | Landowner                                                     | 7th September 1937.* |

*Bench of Magistrates at Puttur.*

|                                                |             |                          |                      |
|------------------------------------------------|-------------|--------------------------|----------------------|
| 1 Mrs. Mary D'Sa                               | Christian   | Educated lady            | 22nd October 1936.   |
| 2 M.R.Ry. Nattoji Srinivasa Rao.               | Not known   | Landholder               | 7th April 1937.*     |
| 3 Kambalabettu Badvakunhi Beari Sahib Bahadur. | Muhammadian | Landowner                | 24th September 1934. |
| 4 Mrs. Savor Shanta Bai Ananda Rao.            | Not known   | Lady of status in Puttur | 28th August 1937.    |

*Bench of Magistrates at Kasargod.*

|                                           |             |                                                                                                                                                                                                 |                      |
|-------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 1 M.R.Ry. Palla Tukra Maisetri Avargal.   | Adi-Dravida | ....                                                                                                                                                                                            | Do.*                 |
| 2 Mrs. Shavanti Ezra                      | Not known   | Respectable lady. has a fair knowledge of English, Kanarese, Tulu and Malayalam.                                                                                                                | 27th August 1935.*   |
| 3 Mr. Godfrey Roberts                     | Christian   | Retired Sub-Registrar                                                                                                                                                                           | 17th July 1935.*     |
| 4 Ahmed Schammad Sahib Bahadur.           | Muhammadian | Studied up to Intermediate class.                                                                                                                                                               | 20th September 1934. |
| 5 M.R.Ry. Kumbala Achutha Mallya.         | Not known   | Merchant, respectable family, S.S.L.C.                                                                                                                                                          | 6th December 1935.*  |
| 6 M.R.Ry. Mangalore Narayana Pai Avargal. | Brahman     | Rich; educated; landholder                                                                                                                                                                      | 18th December 1936.  |
| 7 M.R.Ry. Kasaragod Krishnan Avargal.     | Non-Brahman | Prominent member of the Fishermen community in Kasargod taluk, President of the Fishermen Co-operative Society and Honorary Visitor of the Labour Schools in Kasargod taluk—educated young man. |                      |

\* Denotes date of re-appointment.



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| Name.                                         | Community.  | Profession or occupation, status and qualifications.                                                | Date of appointment. |
|-----------------------------------------------|-------------|-----------------------------------------------------------------------------------------------------|----------------------|
| <i>Bench of Magistrates at Kasargod—cont.</i> |             |                                                                                                     |                      |
| 8 M.R.Ry. Ammembal Srinivas Pai Avargal.      | Brahman     | Member of one of the foremost families in the district; B.A., B.L.; father of Mr. A. V. Pai, I.C.S. | 14th September 1937. |
| <i>Bench of Magistrates at Udipi.</i>         |             |                                                                                                     |                      |
| 1 Sheik Adam Dawood Sahib Bahadur.            | Muhammadan  | Landholder                                                                                          | 16th July 1937.*     |
| 2 Mrs. Leonissa Fernandes.                    | Christian   | Educated lady                                                                                       | 1st June 1937.*      |
| 3 M.R.Ry. Pangal Naik Avargal.                | ....        | Landholder                                                                                          | 16th November 1936.* |
| 4 M.R.Ry. Kalmadi Rama Rao Avargal.           | ....        | Do.                                                                                                 | 26th May 1936.*      |
| 5 M.R.Ry. Kedunje Venkataya Hegde Avargal.    | ....        | Landholder (educated)                                                                               | 3rd October 1935.*   |
| 6 Mr. George Xavier.                          | Christian   | Retired Jailor; person of status in Udipi.                                                          | 15th March 1935.     |
| 7 M.R.Ry. Uppur Muthappa Avargal.             | Non-Brahman | Respectable fish merchant, passed S.S.L.C.                                                          | 12th December 1936.* |

*Bench of Magistrates at Karkal.*

|                                                  |            |                              |                       |
|--------------------------------------------------|------------|------------------------------|-----------------------|
| 1 M.R.Ry. Jarkal Hegde Avargal.                  | ....       | Landholder                   | 29th October 1935.*   |
| 2 M.R.Ry. Kanthavar Pandya-rajah Ballal Avargal. | Jain       | Respectable family, educated | 6th June 1935.        |
| 3 Mr. Francis Abraham Car-dosa.                  | Christian  | Coffee planter               | 29th May 1935.*       |
| 4 Andar Saiyed Abdul Rahi-man Sahib Bahadur.     | Muhammadan | Landholder, educated         | 28th September 1934.* |
| 5 M.R.Ry. Cholepadi Ramakamath Avargal.          | Brahman    | Do.                          | 28th September 1934.* |

\* Denotes date of re-appointment.

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## APPENDIX II.

[Vide item II at page 367 supra.]

*Explanatory Note.*

In this Province, land mortgage banks have been formed on a co-operative basis with a view to provide for the grant of long-term loans to owners of land or other immovable property to enable them to discharge their debts, to carry out agricultural improvements, to acquire land for the formation of economic holdings and other like purposes. These banks are financed by the Madras Co-operative Central Land Mortgage Bank, Limited, which issues interest-bearing debentures for the purpose, on the security of the mortgages executed by the borrowers in favour of the primary banks and assigned to it by them and of its other assets. In order to popularize these debentures and to make them trustee securities, the Government have, under the provisions of section 6 of the Madras Land Mortgage Banks Act, 1934, and after consulting the Legislature, guaranteed the principal of, and the interest on, the debentures. The guarantee at present extends to debentures up to a maximum of 125 lakhs of rupees exclusive of the value of such debentures as may have been redeemed by the bank from time to time.

2. The Central Land Mortgage Bank has now in circulation debentures of the value of Rs. 1,07,83,200 carrying the Government guarantee, exclusive of those that have been redeemed and to be redeemed. There is therefore only a margin of Rs. 17,16,800 left in the existing guarantee. The bank has resolved to float debentures for Rs. 17 lakhs and when this amount is fully subscribed for, the maximum guarantee of Rs. 125 lakhs will be reached. Out of the loans sanctioned up to August 1937, there was a sum of Rs. 5,28,125 to be disbursed in that month and at the rate of issue of new loans to the extent of Rs. 3 to 4 lakhs a month, the present maximum will be exhausted by about the end of October 1937. The bank has now requested that the maximum amount of the guarantee may be further increased from Rs. 125 lakhs to Rs. 175 lakhs.

3. The Reserve Bank of India has made certain suggestions for the reorganization of the lines on which the Central Land Mortgage Bank and the primary land mortgage banks now work, with particular reference to Sinking Fund and the rate of interest to be charged to ultimate borrowers. These suggestions have been under discussion between the Central Land Mortgage Bank and Government for the past few months. Pending a satisfactory settlement of these outstanding questions, it is considered sufficient to raise the maximum limit of the guarantee to Rs. 150 lakhs. This increase, if agreed to, will not be given effect to, unless and until the points now under discussion are satisfactorily settled.

## THE MADRAS LEGISLATIVE COUNCIL.

**Thursday, the 30th September 1937.**

The Council met at 2-30 p.m. in the Council Chamber, Fort St. George, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

### I.—QUESTIONS AND ANSWERS.

#### STARRED QUESTIONS.

*Administration of Nandanar Kalvi Kazhagam at Chidambaram.*

\* 91 Q.—MR. R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) what was the amount of grant paid by the Government to the management of the Nandanar Kalvi Kazhagam at Chidambaram in 1935-36 and 1936-37;

(b) whether any representations have been received by the Government regarding its management;

(c) what is the number of hostels attached to the institution and the strength of the boarders and lodgers in 1935-36 and 1936-37;

(d) what expenditure was incurred by the management in 1935-36 and 1936-37;

(e) whether the said institution was inspected recently by the Labour Commissioner;

(f) whether any and what report has been made by the Labour Commissioner; and

(g) whether there is a proposal before the Government to take over the management in their hands to ensure better management?

THE HON. MR. V. V. GIRI:—“(a), (c) & (d) The information<sup>a</sup> is given in Statements I, II and III annexed.

“(b) Mr. A. S. Sahajanandam complained in May 1937 against the refusal of the District Board, Cuddalore, to sanction a grant for a hostel managed by the Kazhagam, towards the maintenance of which the District Board of South Arcot used to contribute in the past.

“(e) Yes.

“(f) & (g) He recommended that the institutions managed by the Kazhagam may be taken over by the Labour department. Since this recommendation, the Cuddalore and the Villupuram District Boards have agreed to pay a contribution towards the maintenance of the hostel. The matter is under the consideration of Government.”

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*The total areas of wet cultivation, etc., in Kistna, Guntur, West Godavari and East Godavari districts.*

\* 92 Q.—MR. K. P. MALLIKARJUNUDU: Will the Hon. the Minister for Public Works be pleased to state—

(a) the total areas of wet cultivation in the Kistna, Guntur, West Godavari and East Godavari districts respectively;

(b) the total areas of land cultivated under the delta system of Kistna and Godavari rivers respectively;

(c) the total outlay of expenditure on the two systems respectively;

(d) the annual net return in percentage on the capital invested;

(e) when the inclusion fee was first collected under the two systems;

(f) the annual collections of inclusion fee from its inception till the end of the financial year 1936–37 under the two systems separately;

(g) the area included and proposed to be included under wet ayacut under the delta system of Kistna, after the shutters were put up on the anicut;

(h) the maximum area that can be included under wet ayacut under the Kistna system according to the present arrangements;

(i) whether any staff was ever specially employed for the inclusion operations; if so, whether it is now employed;

(j) what the total cost incurred is for these inclusion operations alone; and

(k) what the areas, included and proposed to be included, are in the ayacut—

(i) under East Bank canal,

(ii) Pedalanka channel, and

(iii) all other canals under the Kistna system after the year 1933?

THE HON. MR. YAKUB HASAN:—“ Sir, this question is a long question, containing clauses from (a) to (k), and the answer also is very long. In the other House, the Hon. the Speaker has stated that if there is a question which has got many limbs, such as from (a) to (z), answers which are equally long should be placed on the table of the House. Even if I read the answer now, the hon. Member may not be able to follow it, as there are many figures. I would therefore suggest, if you approve, that in the future, it would be better to place such answers on the table of the House.”

MR. PRESIDENT:—“ Yes; long answers may be placed on the table and need not be read in the House.”

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MR. J. A. SALDANHA:—“ Is it the idea that in future, printed answers to starred questions should be placed on the table? I do not quite catch the Hon. Minister's suggestion, Sir.”

MR. PRESIDENT:—“ If the answers are very long, they will be placed on the table of the House, even in case of starred questions.”

MR. J. A. SALDANHA:—“ May I know how it will be possible to distinguish whether an answer is long or short? ”

THE HON. MR. YAKUB HASAN:—“ (a) Area irrigated during the revenue year ending 30th June 1936 (first and second crop).

|                      | ACS.    |
|----------------------|---------|
| East Godavari ... .. | 567,587 |
| West Godavari ... .. | 636,869 |
| Kistna ... ..        | 502,682 |
| Guntur ... ..        | 358,490 |

“ (b) Area charged as irrigated during 1935–36—

|                              |           |
|------------------------------|-----------|
| Godavari Delta system ... .. | 1,050,326 |
| Kistna Delta system ... ..   | 822,813   |

“ (c) Capital outlay to end of 1935–36—

|                              | RS.         |
|------------------------------|-------------|
| Godavari Delta system ... .. | 1,86,31,139 |
| Kistna Delta system ... ..   | 2,19,79,404 |

“ (d) Net return during 1935–36—

|                              | PER CENT. |
|------------------------------|-----------|
| Godavari Delta system ... .. | 20.34     |
| Kistna Delta system ... ..   | 16.51     |

“ (e) 1920.

“ (f) The Government have no information.

|                                      | ACS.                |
|--------------------------------------|---------------------|
| “ (g) Area included till 1934 ... .. | 757,218             |
| Area proposed for inclusion ... ..   | 210,782             |
|                                      | <hr/> 968,000 <hr/> |

“ (h) 968,000 acres.

“ (i) A special staff was employed to localize the most suitable areas for inclusion in the Kistna Eastern Delta. The staff is not employed at present. No staff was employed in the Kistna Western Delta for the purpose.

“ (j) The information is not readily available.

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“(k)—

|                                | Areas<br>included<br>to end<br>of 1933.<br>ACS. | Areas<br>proposed<br>to be<br>included<br>after 1934.<br>ACS. |
|--------------------------------|-------------------------------------------------|---------------------------------------------------------------|
| (i) East Bank canal .. ..      | 4,000                                           | 42,000                                                        |
| (ii) Pedalanka channel .. ..   | 18,900                                          | 11,794                                                        |
| (iii) All other channels .. .. | 734,318                                         | 156,988                                                       |
|                                | <hr/> 757,218                                   | <hr/> 210,782                                                 |

*Grievances of ryots of North Arcot and Chingleput districts consequent on diversion of Palar by Mysore Government.*

\* 93 Q.—DIWAN BAHADUR K. DEIVASIKHAMANI MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the long-standing grievance of the ryots of North Arcot and Chingleput districts, that supply of water in the Palar has been materially diminished by reason of its diversion by the Mysore Government to their tanks and otherwise contrary to recognized rights and in violation of an agreement between the Mysore and the Madras Governments, has been investigated fully;

(b) whether the committee appointed by the Government in 1931 for its investigation came to any definite conclusions as to the causes of the alleged diminution of supply; what recommendations, if any, they made; and what action was taken thereon;

(c) if the investigation is still in progress, when it is likely to be completed, and what steps the Government propose to take to grant early redress to the aggrieved ryots of the two districts by way of (i) restoring the supply to which they are entitled, (ii) safeguarding their rights against future encroachments on them in the Mysore territory and (iii) relieving them of the burden of the heavy land revenue based on the assumption that the supply in the river would be abundant and un-failing; and

(d) how many times there were floods in the river during each of the years from 1904 to 1936?

THE HON. MR. YAKUB HASAN:—“(a) A report on the question has been received from the Chief Engineer and the Board of Revenue and is under consideration.

“(b) The committee submitted an interim report in February 1931 suggesting that certain particulars relating to the tanks in Mysore territory lying within the catchment of the Palar river be called for from that Government. The Mysore Government were accordingly addressed for the particulars in April 1931. These were received in September 1935 and March 1937 and referred to the Chief Engineer and the Board for examination.

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“(c) As stated in the answer to clause (a) above, the report received from the Chief Engineer and the Board is under consideration. It cannot be said when the examination of the report will be completed, and no action on the lines suggested in the clause can be taken till then.

“(d) From the statistics collected for the information of the Palar Committee, it is seen that flood water passed over the Palar anicut in the following years only for the number of days noted against each:—

|               |    |               |    |
|---------------|----|---------------|----|
| 1905-03 .. .. | 4  | 1916-17 .. .. | 8  |
| 1909-10 .. .. | 11 | 1917-18 .. .. | 1  |
| 1910-11 .. .. | 25 | 1930-31 .. .. | 6  |
| 1912-13 .. .. | 11 | 1935-36 .. .. | 18 |
| 1915-16 .. .. | 4  |               |    |

“No flood passed over the anicut in the other years from 1904-05 onwards.”

*Number of school-going Mappilla children in Ernad and facilities afforded to them for learning Arabic and Koran.*

\* 94 Q.—RAO BAHADUR M. RAMAN: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) the number of Mappilla children of school-going age in Ernad (Malabar) and the number actually going to the school;

(b) whether compulsion has been enforced in Ernad and the other rebel area; and

(c) whether the Government have given facility to the children for learning Arabic and the Koran?

THE HON. DR. P. SUBBARAYAN:—“(a) The information is not available.

“(b) Compulsion is in force in the following areas in the Malabar district:—

| Taluk.                   | Area.                                                                                                                                                                     |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Ponnani .. ..          | The three villages of—<br>1. Kalpakancheri.<br>2. Ponnundam.<br>3. Rayarimangalam.                                                                                        |
| 2 Walluvanad .. ..       | Mannarghat village panchayat area.                                                                                                                                        |
| 3 Ernad East and West .. | 1. Parappanangadi.<br>2. Chaliyam.<br>3. Kondotty.<br>4. Tirurangady.<br>5. Mampad.<br>6. Edavanna.<br>7. Pandikad.<br>8. Nilambur.<br>9. Ka'ikavu.<br>10. Karuvarangadu. |

Amsams.

“(c) The answer is in the affirmative.”

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RAO BAHADUR M. RAMAN:—"Will the Hon. the Minister be pleased to extend compulsion throughout the rebel area?"

THE HON. DR. P. SUBBARAYAN:—"The whole question of the introduction of compulsory education is under consideration."

*Marking of trees for tapping toddy in Salem district for shops in other districts.*

\* 95 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) what executive measures are proposed to be adopted in working out the prohibition scheme in Salem district;

(b) whether it is proposed to disallow marking of trees for tapping for fermented toddy in Salem district for shops in other districts; if so, why;

(c) whether transport of toddy or other intoxicating liquor through Salem district for shops in other districts is proposed to be prohibited; if so, why; and

(d) whether tapping of palms for sweet juice will be allowed in Salem district after the 1st of October?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a) The attention of the hon. Member is invited to the Press Communiqué issued on 13th September 1937 which has been published in the *Fort St. George Gazette*, dated 14th September 1937.

" (b) & (c) Yes. These restrictions are necessary for the enforcement of prohibition in the Salem district.

" (d) Yes."

*Manufacture of fermented toddy and sweet toddy and the desirability of preventing tapping of palms for the latter.*

\* 96 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether lime is an ingredient that is to be added in the manufacture of sweet toddy for the arresting of fermentation;

(b) whether slightly fermented sweet toddy could not be drawn during tapping of palms;

(c) whether there is more than one process for manufacture of fermented toddy;

(d) whether addition of a slight quantity of fermented toddy to a large quantity of sweet toddy would not produce fermented toddy fit for consumption;

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(e) whether the desirability of preventing the tapping of palms for sweet toddy is being considered; and

(f) what executive measures are intended to be adopted for controlling the same?

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

" (b) The question is not clear.

" (c) Government have no information.

" (d) Possibly, it would, if time be allowed.

" (e) & (f) The tapping of trees for sweet toddy will not be prevented but will be controlled under a licence system."

DIWAN BAHADUR R. SRINIVASAN:—"May I ask whether any steps have been taken to permit the tapping of trees for sweet toddy or the preparation of vinegar?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"The Bill that was passed by this House yesterday contains provisions concerning this matter."

*Manufacture of jaggery from sweet toddy.*

\* 97 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI:—Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether jaggery fit for consumption could be produced from sweet toddy;

(b) whether a market could be found for the sale of jaggery so manufactured; and

(c) whether the Government consider that the manufacture of jaggery will be intended only as a blind for manufacture of fermented toddy by sweet juice tappers?

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

" (b) The Government believe so.

" (c) The Government do not consider it so but will be prepared for such contingencies."

*Orders alleged to be passed restricting marking of trees for toddy in the City and representation received, if any, for the cancellation of the orders.*

\* 98 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI:—Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that orders restricting marking of trees for fermented toddy for shops in the City of Madras within a radius of 15 miles, was passed by the Government; if so, why;

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(b) whether any such restriction was existing in previous years;

(c) whether before such orders restricting marking were passed the advice of the Excise department was sought and whether the advice was for or against the restriction;

(d) whether any representation of any group of persons interested in Abkari business was received urging the necessity for the passing of such orders;

(e) whether any representation of any other group of persons urging the necessity for the abolition of such restriction was received;

(f) whether the Government rejected the request of the latter; if so, the reasons therefor; and

(g) whose interests the Government propose to prefer, whether those of local tappers or mufassal tappers?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) Yes, as it was considered undesirable to permit the transport of toddy over long distances.

“(b) No such restriction was in force in previous years.

“(c) Orders were passed after consultation with the Commissioner of Excise and Separate Revenue.

“(d) & (e) Yes.

“(f) The Government considered it desirable, for the reason mentioned in answer to clause (a), to lease the shops subject to the restriction referred to.

“(g) This question did not arise in connexion with the lease.”

RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I ask what are the special circumstances or reasons for placing these restrictions?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“The present Government thought that they were necessary.”

*Tender and open auction systems for leasing out toddy shops in the City.*

\* 99 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) on what system (tender system or open auction system) the toddy shops of the city were leased out for working after 1st October 1937; and

(b) if on the tender system, whether it was previously considered carefully whether or not there were persons willing to compete in the open auction system?

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

“(b) The point raised was considered by the Commissioner of Excise and the Government before orders were passed.”

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*Issue of licences for revolvers and circular, if any, issued by District Collectors withdrawing those licences.*

\* 100 Q.—RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the number of fresh licences issued and the number of withdrawal of old licences for possession of revolvers from 1932;

(b) whether since 1932 there has been a large number of withdrawals of such licences;

(c) if so, the grounds on which the licences were once issued and the grounds for their present withdrawal;

(d) whether any circular has been issued by the Government to District Collectors urging the withdrawal of such licences; if so, whether a copy of the circular will be placed on the table;

(e) why licence-holders are annually required to produce their revolvers and licences before their respective Revenue Divisional Officers or the District Magistrates; and

(f) whether the present Government contemplate adopting a new policy or adhering to the old one?

THE HON. MR. K. RAMAN MENON:—“(a), (b) & (c) Information on the precise points raised by the hon. Member is not available with the Government. The Government are aware that the number of licensed revolvers in the Province has decreased in recent years.

“(d) The Government have instructed the licensing authorities to restrict the grant or renewal of licences for the possession of revolvers to persons who have a genuine need of such weapons and can be relied on to keep them in safe custody. The Government do not consider it desirable to publish the orders which are of a confidential nature.

“(e) Revolvers are dangerous weapons and it is essential that they should be kept in the safe custody of the licence-holder, and should not be allowed to get into the hands of others either by unauthorized sale or exchange or owing to the carelessness of the licence-holder. Periodical production of the weapons is a means of ensuring this.

“(f) In the administration of the Arms Act, the Government act as the agents of the Central Government and as such the Government cannot adopt any new policy without the approval of the Government of India.”

RAO BAHADUR M. RAMAKRISHNA REDDI:—“With reference to the answer to clauses (a), (b) & (c), that information is not available with the Government, will the Government be pleased to call for a report?”

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THE HON. MR. K. RAMAN MENON:—"It is not a matter of not calling for information; it is the statement submitted by the District Magistrates. It is not possible to get at this information."

*Alleged grievances of certain teachers in secondary schools of the district boards of Ellore and Narasapur.*

\* 101 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether the Government are aware that in the district boards of Ellore and Narasapur (West Godavari), the services of the teachers in the secondary schools are not being properly considered at the time of their confirmations;

(b) whether it is a fact that the Collector, West Godavari, as President, District Board, Narasapur, has addressed a letter to the Government in January 1937 pointing out the irregularities and asking the Government to redress the grievances of the teachers and if so, what action the Government have taken thereon;

(c) whether the Government will be pleased to place on the table of the House the said letter of the Collector and the order of the Government thereon; and

(d) whether it is a fact that some of the said teachers who have appealed and who are ordered to be confirmed are now removed from service altogether; and if so, what action the Government have taken on the matter?

THE HON. DR. P. SUBBARAYAN:—" (a) Representations to this effect have reached the Government.

" (b), (c) & (d) Orders were passed on the Collector's letter in April of this year wherein the proceedings in respect of the confirmation of certain teachers were cancelled and the Presidents of the District Boards were informed that the seniority lists of teachers should be prepared anew in consultation with the District Educational Officer according to their service and the subjects which they were qualified to teach and that confirmations should be made on the basis of such lists. No final agreement has been reached between the Presidents in the preparation of the seniority lists. In the meantime, the President, District Board, Narasapur, appears to have made certain arrangements according to which five teachers who have completed their probation have been ousted and he has asked the President, District Board, Ellore, to provide for those ousted. The President, District Board, Ellore, has referred the matter to Government. As the whole question is still under consideration of the Government, the Government consider that it will not be in the public interests to place the papers concerned on the table of this House."

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MR. P. PEDDI RAJU:—"May I know whether in view of the fact that certain teachers have been ousted as a result of the Government Order issued in April last, they will be pleased to entertain these teachers as temporary teachers at least, as and when vacancies arise?"

THE HON. DR. P. SUBBARAYAN:—"I shall certainly consider the suggestion; but at the same time, I may point out that the whole question is under consideration and orders will be passed in due course of time."

*Retrenchment of Engineering staff consequent on the bifurcation of West Godavari District Board.*

\* 102 Q.—MR. P. PEDDI RAJU: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether after the bifurcation of the West Godavari District Board the Government ordered retrenchment in the subordinate engineering staff of both the Boards and if so, whether the Government will place the order on the table of the House;

(b) whether the Government will call for a statement showing the strength of the subordinate engineering staff under the District Board Engineer, West Godavari, with the service of each incumbent as on the date of bifurcation and place it on the table of the House; and

(c) whether it is a fact that some senior men in service are removed from service and junior men continued against the orders of the Government and if so, will the Government be pleased to hold an enquiry and redress the injustice?

THE HON. MR. B. GOPALA REDDI:—" (a) No retrenchment of staff has been ordered in the subordinate engineering staff of the Ellore and Narsapur District Boards consequent on the bifurcation of the old West Godavari District Board. On the other hand, two new posts of one head-draughtsman and one tracer were sanctioned for the Narsapur District Board. Independently of the question of bifurcation, the Government issued orders in March 1937 fixing the strength of overseers and draughtsmen for all the district boards in the province with effect from the 1st October 1934. Under these orders the posts of four draughtsmen in the Assistant Engineer's offices under the Ellore and Narsapur District Boards were abolished with effect from the 1st July 1937.

" (b) The regular engineering staff under the District Board Engineer, West Godavari, at the time of bifurcation of the district board, consisted of (1) four Assistant Engineers, (2) fifteen overseers, (3) one head-draughtsman, (4) ten draughtsmen (including four working in the Assistant Engineer's offices) and (5) one tracer. There is no information about the length of service of the incumbents of these posts and the Government do not consider it necessary to call for the information.



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“(c) Appeals have been received from certain sub-overseers under the Narsapur District Board and under the Ellore District Board alleging that they have been discharged from service in preference to their juniors and they are under consideration. If any other aggrieved person prefers an appeal, it will be duly considered by the Government.”

MR. P. PEDDI RAJU:—“In view of the fact that appeals have been received by the Government, will the Government be pleased to call for information from the presidents of the district boards concerned regarding the circumstances in which the incumbents were discharged?”

THE HON. MR. B. GOPALA REDDI:—“Yes, Sir.”

*Race courses in the Presidency and the amounts of tax collected under the Madras Betting Tax Act, 1935.*

\* 103 Q.—MR. ABDUL WAHAB BUKHARI for Mr. S. K. Ahmed Meeran: Will the Hon. the Minister for Revenue be pleased to state—

(a) at what places in the province, horse-races or pony-races accompanied by betting are conducted;

(b) what the amounts of tax collected were in the years 1935-36 and 1936-37 as per the Madras Betting Tax Act, 1935, under (a) totalizer tax and (b) under tax on bets made with book-makers;

(c) what the total amount paid by backers into totalizers is, by way of stakes or bets in all the race enclosures in the province for the years 1936-37;

(d) what the total amount paid or agreed to be paid by book-makers to backers is, in consequence of the winning by the latter of bets made within the race enclosures in the province, for the years 1935-36 and 1936-37; and

(e) what the total amount paid by backers to book-makers is by way of bets or stakes within the race enclosure for the years 1935-36 and 1936-37?

THE HON. MR. T. PRAKASAM:—“(a) Horse races or pony races accompanied by betting are conducted at Guindy, Ootacamund and Wellington, so far as the Government are aware.

“(b) The Madras Betting Tax Act, 1935, has been made applicable only to race meetings held at Guindy. The amounts of tax collected for 1935-36 are as below:—

Totalizer tax—Rs. 66,118.

Tax on bets made with book-makers or (betting tax)—Rs. 16,549-7-3.

Figures for 1936-37 are not available. They have been called for.

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“(c) & (e) The Government have no information.

“(d) Rs. 13,23,956-4-0 for 1935-36 in Guindy. The Government have no information as regards 1936-37.”

*Number of sales of lands held for arrears of land revenue in Hosdrug sub-taluk, South Kanara.*

\* 104 Q.—MR. D. MANJAYA HEGDE: Will the Hon. the Minister for Revenue be pleased to state— 2-45 p.m.

(a) whether the Government will be pleased to place on the table of this House correct figures to show the number of land-sales held for arrears of land revenue in which sales were confirmed during faslis 1344, 1345 and 1346 in the Hosdrug sub-taluk (South Kanara); and

(b) the number of acres of lands so sold and confirmed in wet, garden and dry plots and the average price per acre fetched during sale for these lands under different classifications?

THE HON. MR. T. PRAKASAM:—“(a) & (b) The answer is contained in columns (23) to (33) of Statement No. 12 attached to the jamabandi report which gives statistics regarding lands sold for arrears of revenue in the several districts of the Presidency. Separate figures for taluks and sub-taluks are not available with the Government.”

MR. D. MANJAYA HEGDE:—“May I know what measures or steps do the Government propose or contemplate to adopt to alleviate the miseries of the people arising from these large sales of land for arrears of land revenue and lighten the burden of assessment?”

THE HON. MR. T. PRAKASAM:—“Whatever measures Government would consider reasonable after consideration of the representations made would be adopted.”

*Proscription of the Telugu novel named ‘Amma.’*

\* 105 Q.—MR. D. SRIRAMAMURTI: Will the Hon. the Prime Minister be pleased to state—

(a) whether ‘Amma’ a Telugu novel, has been proscribed by the Madras Government in 1935;

(b) whether an application has been received from the author to lift the ban on that book; and

(c) if so, what action have the Government taken on it?

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

“(c) The application is under consideration.”

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*Alleged Police search in the Bharati Library at Nattarasankottai near Sivaganga and seizure of certain books.*

\* 106 Q.—MR. A. RANGASWAMI AYYANGAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that on 20th August 1937 the premises of the Bharati Library at Nattarasankottai near Sivaganga were invaded by a Police Sub-Inspector and two constables and they seized and took away the books styled “Frontier Gandhi” and “History of Congress”;

(b) whether the seizure was done on the orders of this Government; and

(c) whether the Government propose to return the books to the Library in question?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) The library was searched by the Police on the 18th or 19th of August 1937, and one copy of each of the two books was seized.

“(b) The premises were searched under the authority of a warrant issued by a Magistrate.

“(c) The books in question had been proscribed books under section 19 of the Press Act. The procedure of return does not therefore apply to the case.”

MR. A. RANGASWAMI AYYANGAR:—“Will the Government be pleased to consider the removal of the ban on these books?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“The question of the removal of the ban on the books and the application of the Government Order, dated the 10th August 1937, is already under consideration. The orders are pending awaiting a further reply from the North-West Frontier Government which is concerned in one of the books.”

MR. A. RANGASWAMI AYYANGAR:—“Will the Government be pleased to state the circumstances under which the search was made and whether this Government ordered the search?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Sir, early in May 1937, when it may be presumed we were not in office, a reference was received by the Government of this Province from the Government of India wanting arrangements to be made for supplying them with three copies of each of the books that are proscribed by the Provincial Government. This was a routine duty which had been neglected, and a reference was therefore received that this Government should send three copies of each of these books. This was referred to the Police, and the District Superintendents of Police were asked to send these books, if they were available. This is the basis on which some sub-inspector took a warrant from the Magistrate to seize these books, and these two books which have been proscribed were seized under those circumstances. Searches were therefore made to comply with the orders to find

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out these rare books, and I think hon. Members will be pleased with the promotion of the books from this petty library to the Government Record Office at Calcutta.”

MR. K. MADHAVA MENON:—“May I know who are the authors of these books?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Mr. M. S. Subramanya Ayyar of Madras is the author of the two books referred to in the question.”

MR. T. C. SRINIVASA AYYANGAR:—“Do they preserve these books when they are sent out to the Government of India or are they destroyed?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“The object of the reference that I referred to is to preserve these books in the Government Record Office at Calcutta, so that there is a historic interest in the matter, and some of these books are kept there for all time.”

### UNSTARRED QUESTIONS

*Cuts in salaries and pensions of Government servants.*

42 Q.—MR. J. A. SALDANHA: Will the Hon. the Prime Minister be pleased to state—

(a) what cuts the Government have decided to make in salaries and pensions of Government servants;

(b) the graduated proportion on which the cuts will be enforced on the various amounts;

(c) on what gradual stages the cuts will be enforced; and

(d) whether appointments of special officers made after 1933 will be exempted or subjected to consideration, each on its special merits, having regard to the special qualifications required and the economies contemplated in fixing the salaries?

A.—(a) to (d) The subject is under detailed examination and the decision of Government will be announced in due course. It is not proposed to impose any cuts on pensions.

*Arrears of revenue for which lands were brought to sale under Madras Revenue Recovery Act and their extent.*

43 Q.—MR. S. K. AHMED MEERAN:—Will the Hon. the Minister for Revenue be pleased to state—

(a) the total amount of arrears of revenue for which lands brought to sale under the Madras Revenue Recovery Act were bought by the Government themselves for want of bidders, for the years 1930-31 to 1936-37;

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- (b) the total extent of lands bought by the Government under the abovementioned Act for want of bidders in the sales for arrears of land revenue, for the years 1930-31 to 1936-37;
- (c) how much of such lands are wet and how much are dry;
- (d) the total extent of lands resold by the Government out of lands bought by them in sales for arrears of land revenue in the years 1930-31 to 1936-37; and
- (e) the total amount realized by the Government by way of such resales in the years 1930-31 to 1936-37?

A.—(a), (d) & (e) The Government have no information.

(b) & (c) The figures for fasli 1346 are not yet ready. As regards the previous faslis, the attention of the hon. Member is invited to columns (23) and (25) of Statement No. 12 attached to the Jamabandi Report.

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

## II.—MESSAGE FROM THE ASSEMBLY *RE* THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) BILL OF 1937.

\* MR. PRESIDENT:—"I have to announce to the House that the following message, dated Chepauk, the 30th September 1937, has been received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

'In accordance with Rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill, 1937, as passed by the Assembly on the 30th September 1937, and signed by me, for the concurrence of the Council.'

## III.—THE MADRAS REGULATION OF THE SALE OF CLOTH BILL, 1937 (L.A. BILL No. 2 OF 1937).

\* THE HON. MR. V. I. MUNISWAMI PILLAI:—"Sir, I beg to move that the Madras Regulation of the Sale of Cloth Bill,\* 1937 (L.A. Bill No. 2 of 1937), as passed by the Assembly, be taken into consideration.

"In making this motion for the consideration of the Bill by this Honourable House, I do not think many words are necessary from me. However, I may say that the Bill aims at helping the handloom weaver. It proposes only to restore in some degree the market lost by the village weaver. It is well known, Sir, that the handloom weaver is struggling very much to eke out his livelihood in the face of keen competition from the mills. The object is to help the weaker party in the unequal fight, and to some extent to restore equilibrium instead. There are 2½ lakhs of handlooms in this province, which is a third of the handlooms in the whole country, and any measure that seeks to support this industry will serve to protect at least ten lakhs of people. I may say,

\* Printed as Appendix II on pages 466-468 infra.

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Sir, at the outset, that this measure is not for fresh taxation, but that a small licence-fee will be levied. The agency that is proposed will be the Revenue department in the case of non-municipal areas, and the municipalities in the municipal areas. With these few words, I commend this Bill to the acceptance of the House."

\* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Sir, one word I should like to say. If India is to become a great industrial country, we should encourage mill industries. The Hon. Minister said that there is unfair competition between them and the handloom industries and so this Bill is being moved to protect the latter. If India is to become rich like any other big country in the world, we ought to give every kind of encouragement to mill industries. I cannot understand how the Hon. Minister is going to meet my argument, when he says that he has brought forward this Bill in order to discourage, as it were, the mill industries, and to give encouragement to the handloom industries."

\* MR. J. A. SALDANHA:—"Mr. President, Sir, this is a Bill of far-reaching consequences. We have begun with a very small fee, it is true. But the principle of it, the policy of it, the results of it and the harassing manner in which this measure might be worked in levying the fees, have all to be considered. So far as the principle of it is concerned, it seems to me that the tax will fall on the purchaser ultimately. The purchaser, instead of going to a shop in which he might get fine Ahmedabad cloth will be compelled to go to a khaddar shop and purchase stuff which is admittedly inferior in quality and the durability of which is very doubtful compared to that of Indian mill cloth, apart from going in for fine foreign cloth. (A voice: Question). That question has to be put to the people who purchase cloth and not to me. In matters of shopping, as a rule we, male members, have little opportunity or time to go and purchase, but we send our ladies to the shop, and our ladies take a practical business-like view of things. Womenfolk who have a fine sense of taste might say, 'if we go to a swadesi store where khaddar is not sold, we can get fine cloth from different parts of India, cloth manufactured from materials which are from the beginning to the end Indian, from yarn manufactured in Indian mills and woven in Indian mills, and that at a cheaper price.' Where you can get a piece of cloth for six annas a yard, it is difficult to get the same kind of cloth in a khaddar shop at that price, or you will have to pay an exorbitant price. In Mangalore, my wife was unable to get a fine piece of cloth which is handspun and handwoven even at a high price. I am afraid that if the villager goes to a shop, he will have to purchase only khaddar or handloom cloth at a terribly high price. Further, one should be an expert in washing khaddar in such a way that it will last for some time; however, it is torn soon. Hence, our womenfolk are in despair as to purchase of khaddar cloth. They will say, 'you go and purchase yourself, we cannot purchase that

[Mr. J. A. Saldanha] [30th September 1937]

cloth.' That is the sort of trouble we have at present with khaddar. Now, this measure . . ."

THE HON. DR. P. SUBBARAYAN:—"On a point of explanation, Sir; I think it will shorten the speech of the Hon. Member if I say that this Bill deals not with khaddar but with handloom cloth in order to protect it from the competition from mill cloth, and no tax will be levied on the sellers of handwoven cloth."

3 p.m. MR. J. A. SALDANHA:—"My idea is that the cloth made by our handlooms is not at all of such fine texture as that of the mill cloth. I might perhaps be mistaken in regard to khaddar. Hand-made cloth cannot have the fineness which mill cloth has. I am in favour of encouraging the khaddar industry. As a matter of patriotism, we should all purchase khaddar woven in the handlooms. But looking at it from the economic point of view, cloth made in powerlooms would have preference, because they are superior and cheaper. If this Bill is passed, it is unlikely that people will give khaddar the support that it gets from them now, because of the extra taxation. I cannot understand the motive. If the motive is merely to collect a few rupees—though it is now small, it will probably be raised in course of time—there cannot be much objection to it. But it must be remembered that the taxation is going to affect our own Indian cloth to which we have to show our sympathy and encouragement. Surely it is wrong. We must be given freedom to buy whatever cloth we like. Our Congress friends should not interfere unnecessarily and without sufficient justification with the liberty of our people to purchase cloth, whether mill-made or hand-made. So long as it is not foreign cloth, there should be no interference. We must be able to purchase Indian cloth according to our tastes. Therefore, this measure has no sufficient justification behind it, either from the economic standpoint or from the business point of view."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"Mr. President, we are told that this handloom industry comes next in importance to agriculture in the economic structure of our country. Some 20 lakhs of men and 30 lakhs of women are engaged in this industry and earn their livelihood. Great experts pronounced the opinion that this industry is capable of further expansion and development provided the Government gives a helping hand in times of emergency. Sir, of late we have been told that this industry is not in a position to stand the competition from the powerloom industry. I am happy to see that the Government have after all come to the rescue of the handloom industry by introducing this piece of legislation at the right time. It is always admitted that the State is bound to go to the help of those industries which are in their infancy and those industries that have to be revived from time to time. Sir, when the handloom industry is faced with competition and the weavers are struggling hard to maintain themselves,—in the struggle for existence only the fittest will survive

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and the others will die a natural death—the Government have taken the responsibility for doing something at this particular juncture. But I am sorry to note from the provisions of this Act that sufficient provision is not made to protect the handloom industry. It is not by imposing a tax of Rs. 5 or Rs. 2 as the case may be on the products of the powerloom that the handloom industry can be helped. What is wanted at this particular stage is that some cheap capital and improved methods should be given to the handloom industry. We know how the money-lender lends money in the shape of raw materials and food to these weavers and how he takes away somehow or other all the profits made by the poor weavers. In the case of the weavers, it is every man for himself. There is no co-operation or organization among them. What I would suggest is that the Government should appoint able and experienced organizers to see that the weavers are placed in a proper position and to see that they run their industry on proper and up-to-date methods. Unless you do this, there is no use taxing the mill products to the extent of Rs. 5 or Rs. 2. I am afraid this measure is carried to the wrong extreme by the Government. A day will come when foreigners will come here with all their goods and kill the powerloom industry. I agree that the Government have done a good thing. But this is not the way to protect an infant industry or to revive an industry which we call handloom industry which requires sympathetic consideration and help. All we have to do is this: if the Government have no objection, I would suggest that the Government must appoint a committee for each taluk composed of officials and non-officials and give them sufficient money to help the handloom industry so that it may be enabled to stand the competition of the powerloom industry in the years to come."

DR. P. J. THOMAS:—"Mr. President, the licence fee that is proposed in the Bill is not a very onerous one. The minimum is two rupees. It may be very low for those who are selling cloth alone or largely cloth. But I fear that the village shopkeepers are often selling a lot of articles and cloth is only just one of the many lines of their miscellaneous business. Would it not be a hardship and a disadvantage to them to have to pay this licence-fee? Surely they cannot be expected to deal entirely in cloth because, in villages, the shopkeeper must be a jack-of-all-trades and must have a stock of all kinds of articles."

"Another point is that this Bill introduces, to my mind, a new policy; but unfortunately, the Government have not declared that policy openly and deliberately. We would like very much to have a carefully enunciated policy of the Government in regard to handloom and the powerloom. For my part, I believe that there is a place both for the handloom and the powerloom, and I should think that in this country we could develop both because there are certain lines in which handloom can excel and there are many lines in which the powerloom also can excel. Is it not necessary at this time, when several people are rather alarmed at certain statements and indications in some quarters,

[Dr. P. J. Thomas] [30th September 1937]

that we should declare our policy and state in what specific manner we are going to develop the handloom industry? I would very much like to see a very large increase in the handloom production. One of the greatest industrial nations to-day, Japan, is chiefly dependent upon its handloom work. One of the leading industries in Japan is silk industry which is carried on mostly at home; and the work done by the large factories is merely collecting, stocking and assembling them and preparing them for the export market. I think we have a great lesson to learn from Japan. Is it not possible for the Government to send a competent person to Japan to see how they have excelled so much in this trade? Without using the powerloom very much, they have also become experts in powerloom chiefly in the matter of cotton goods. Though cotton is an exotic commodity in Japan, it is developed chiefly on the powerloom basis. In the case of many other industries, particularly silk, they are still keeping it as a home industry. Is it not possible for this country, where cotton has always been utilized for making cloth, a country which has supplied to Rome and to other countries in the middle ages best qualities of chintz, calicoes and so forth, to study the methods of Japan in producing and marketing its handloom products and helping thereby the householder in his work? Is it not possible for us to do that by declaring our policy and sending persons, if necessary, abroad, especially to Japan which has demonstrated to the whole world a new system of industrial development? While the West is dependent so much on the powerloom, Japan has shown that without the machines, in several directions it could outsell the products of the West which depend so much upon machinery. I would therefore appeal to the Government to clearly enunciate its industrial policy and to chalk out some well-conceived plan of helping the handloom. Then the handloom weavers will know where they stand, and so also will the powerloom weavers. It is our duty to reconcile their interests and to plan a co-ordinated development. No time should be lost in this matter."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I just wish to say a couple of words with reference to what has fallen from the hon. the Leader of the Opposition with regard to whether we are not going to encourage industries in the country, meaning thereby the big industries, and doubting whether this measure is not opposed to such a policy of encouragement of big industries. Partly, Dr. Thomas has answered the Leader of the Opposition; both can live together, that is what Dr. Thomas said. And I commend that to the Leader of the opposition. It is not intended to hurt at all the powerloom industry, but it is intended to regulate as between the large industry of mill cloth and the handloom industry. Now, in one sense the mill industry is the large industry; in another sense, the handloom industry in our country is really the large industry, because in our province 2½ lakhs of handlooms are still flourishing and quite living and it is necessary to protect such a large industry and such a large interest.

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Next to agriculture, in South India, Sir, the handloom is the biggest industry, if we may use 'industry' in a common sense, including even agriculture. We cannot afford, as a Government or as a legislature, to neglect the industries and to refuse to assist these 2½ lakhs of looms which have been there from time immemorial in our country and which have refused to be killed or destroyed by even the biggest industrialists. To-day, Sir, we produce more cloth on the handloom than on the mills in India; but the import of Japanese mill cloth has greatly agitated the minds of those who are interested in the handloom and has really created difficulties which it is hard for the struggling handloom weaver to overcome.

"The object of the Bill is this: to divert the custom in the country- side to the weaver's house. The hon. Member from South Kanara, in his usual picturesque style, has described how it is impossible to buy the costlier thing, how our wives won't hear what we say and will buy only, whatever the patriotism of it may be, whatever the sentiment of it may be, the fine mill-made cloth. His description is not complimentary to our womenfolk; assuming all that to be true, there are people to buy the handloom products. It is because people buy what is wrong because it looks nice and cheap, it is because they buy what hurts our country's interests, therefore it is we want to protect this handloom. Therefore, if the hon. Member from South Kanara would have it so, it is to protect the handloom against the folly of womenfolk; if it is the other way about, it is to protect the handloom against the larger organized mill industry. The mill industry is not going to be hurt as against its own foreign competition, namely, the Japanese cloth. But the handloom has to be protected against our own mill industry even and certainly against foreign industry. Now, the weaver in a village goes to the neighbouring market to sell his cloth and finds there the hawker with a bundle of cloths all from Japan. The Japanese producer has, as Dr. Thomas explained, a very well-organized industry. There they have so well organized their cottage industry as to make one think that they are sending their men here to study the conditions of the market and the capacity of the people who buy their product; they are able to command the services of very capable hawkers and thereby reduce the cost of distribution to a minimum and carry their trade to the capillaries of our distributive system, to the village market; and there they compete with our own cloth, the handloom cloth. Therefore we will not hurt anybody if we attempt to divert this business. This Bill levies a very small fee on the hawker or trader. The duty is very small; it will not give much revenue, as Mr. Ramakrishna Reddi said; it will possibly kill the golden goose if we levy a heavy duty on these poor people; they may give up the game altogether. So we want to levy such duty as will not lie heavy on the poor hawker but may be just sufficient to make him think twice when going to the market. He will think it better to take the handloom products than pay this Rs. 2 and take a licence.

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“Then the question is whether people will buy this cloth at all, whether our handloom cloth is so nice in comparison with the mill-made cloth, and whether it will not be wrong to compel the hawker to buy the handloom cloth instead of the beautiful mill-made cloth. I altogether disagree from the womenfolk to whom the hon. Member from South Kanara referred, if it is really true. But I have greater belief in the tastes of our womenfolk. There are beautiful cloths produced on the handloom; they are inch for inch superior to the mill-made cloths. I am not speaking of khaddar, but I am speaking of the handloom cloth which is any day superior in artistic finish to any mill-made cloth; it is also cheap; but in times to come the mill cloth may kill the artist. To-day our cloth is quite good without any protection. But it has to struggle against very powerful giants which are up against it. A third of the cloth that is produced in our country is from the handloom. The handloom weaver is an equipped artist, and I do not think, as Mr. Ramakrishna Reddi said, that we can usefully teach him anything. He knows his art very well. With his fly shuttle he is able to compete with the mill products if he is only permitted to do it. But what he wants is, as Mr. Ramakrishna Reddi said, capital. The short-cut for all assistance is to distribute cash. That is quite true. For the 2½ lakhs of handlooms if you distribute Rs. 100 each, it will be a very good thing. It will also be good enough for the annual report to say that the Industries department of the new Government of Madras has given so much for the handlooms in the country. But it will not help much. Even a subsidy of Rs. 50 is not to be thought of at present—even supposing we get the return for it. We know the weaver; if we give him Rs. 50 to-day, it will not be there for the next year. We know his habits and how he lives from day to day. So, it is no use distributing the money, but we must create a tendency in the market; we want to place at least a part of the organization of the mills at his disposal and remove the temptation of the customer in the village market. Of course, in towns people will buy silks, carried away by advertisements and the glamour of glass bureau, electric lights and the like. But we are not going to sell handloom cloth in a city like this. I do not like to use any bewildering expressions. So far as the village market is concerned, let us save that market for the handloom weaver. That is the proposal. But Dr. Thomas with the same bias that he evinced last night, asks us to study things, to estimate things, to send people to Japan to study the handloom industry there. Of course it may be done. But till we are able to send students to Japan to study the industry there, the handloom weaver here cannot wait. I admit we have to learn a great deal from Japan. This Bill is the result of a bit of learning in that direction. We have to see that the hawkers are interested in the handloom cloth of the cottage industries of our own country. He should not be allowed to think simply, ‘How shall I make my three rupees a month; let it be Japanese cloth or some other poison, let me go and sell it’. It is not well to allow such a state of things to go on. The

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procedure that is adopted in this measure is to compel the hawker to go in the right line and correct what the Japanese have done. Let nobody imagine—Dr. Thomas did not say it—that the Japanese cloth that comes here, is their cottage industry. What Japan sends to our country is all mill cloth. Of course they sell other articles produced in their cottage industries. But the Japanese cloth is pure and simple mill cloth.”

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

Clauses 2 to 7 were put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

THE HON. MR. V. I. MUNISWAMI PILLAI:—“Mr. President, Sir, I beg to move that the Regulation of the Sale of Cloth Bill (L.A. Bill No. 2 of 1937) be passed into law.”

\* MRS. MONA HENSMAN:—“I have to offer a few remarks about the Bill in general. It seems to me that a Bill of this sort is necessary in the country, but it seems to me too limited in its present form. Why should it be only cloth from handlooms that is exempted from the fee? If it were a matter of cloth produced in the country by our own people it would be better; for so many kinds of cloth are now being produced in our country; you have things with foreign names like silk and georgette, but none the less, they have been made now domestic. Perhaps the trade in all cases may not be bad for the country, though sometimes it is. Certainly, the dyeing, the weaving, the fashioning, the stamping and the colouring, everything is ours. Why should we be committed only to encourage a particular kind of industry? That certainly helps the poor man; but why should the middle class have to pay more for that substance than he would have to pay otherwise? What I mean is this: the foreign cloth is certainly not to be encouraged in our country. The Japanese cloth and other things should not be encouraged, because they are against the primary interests of our country. But when we are producing in our own mills, right through our own country, with our own money, material which is mill made and not hand made but which gives employment to our own people and puts bread in the mouths of our own people, it is surely a matter for congratulation, natural congratulation and national congratulation.

“This business goes on all through the world. We have all heard of the trite saying that honesty is the best policy. A Bill like this encourages dishonesty and does not serve any good purpose. I know that the Provincial Government have the power to decide a particular levy, a particular return—or whatever the particular word is about these things—I do not know the details. But what I do say is this: that even at this time, with such a well established office as the Income-tax office, there are returns that are not true. Here a man may well



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3-30 p.m. be on the verge of the Rs. 3,000 or beyond it. He will not care to state if he is beyond it. He may not put down the value of the cloth or the material that he sells beyond Rs. 3,000, and his return may be within the Rs. 3,000 limit. In that case, why should he pay Rs. 5? As a matter of fact, he may be able to offer goods to those who want such goods, even licence free. Of course it is the working people who get wages in the mills who will be the sufferers in the long run. In the course of competition these mill-made cloths can be so manufactured and put on the market that they may tally with the handloom cloth in quality and other things. If a particular age-limit is prescribed for certain competitive examination, certain gentlemen and ladies can so put their ages in the application form as to tally with the age-limit prescribed for that examination. In such matters, things are very conveniently done. In the same way here also there may be differences between facts and figures. If we are producing something that is good for the country and that is for the national good, are we not bound to protect the mill industry also? If we do that, the industrial interests of this country will indeed be saved and we will prosper. Perhaps that is what is meant to be done under this Bill. But I am afraid the Government will not be able to do that if this Bill is limited to handloom industry alone, and that is why I ask for a wider and less restricted consideration of such a valuable measure as this Bill."

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

#### IV.—THE MADRAS LOCAL BOARDS (AMENDMENT) BILL, 1937.

THE HON. MR. B. GOPALA REDDI:—"Mr. President, Sir, I beg to move that the Madras Local Boards (Amendment) Bill,\* 1937, as passed by the Assembly be taken into consideration.

"Sir, the Bill aims at elimination of the nominated blocks of the bifurcated district boards. In 1930, when my friend and colleague Dr. Subbarayan was in charge of the Local Self-Government Department he introduced an amending Bill whereby he eliminated the nominated members altogether from the municipal councils and local boards, but in 1934 another amending Bill was brought forward abolishing all the taluk boards and enabling the Government to bifurcate the district boards. Thus again nomination was brought back into the district boards. If the present Bill is accepted by this House as has been done by the Assembly, it will take us back to the conditions of the year 1930 whereby we will not have the system of nomination in these bifurcated boards. In several boards, since the year 1935 when the system of nomination was re-introduced, where the interests of the minorities were sufficiently safeguarded, these nominations were again made. The system of nomination is bad in principle and its application was worse, because there is nothing commendable in the system, nor commendable in its application. These nominated people had their own communities

\* Printed as Appendix III on pages 469-472 infra.

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but no constituencies. So I certainly feel that the system of nomination which has converted majorities into minorities in several districts must be removed from the present bifurcated district boards. When these nominated members are asked to go, there will be a deficiency in the majority. For example in Salem district among the elected people there is one Muhammadan. If that Muhammadan gentleman is asked to go, the majority party can co-opt another Muhammadan gentleman. Likewise in Erode there is no Indian Christian on the Board. The majority party will co-opt one Indian Christian. Likewise in the North Trichinopoly District Board, there is no Indian Christian. There also the majority party will co-opt one Indian Christian. So, wherever there is difficulty felt for the representation of minority communities, there the majority party can co-opt a gentleman from the minority community. As specified in section 9 of the Local Boards Act, they can co-opt a Member from any minority community if it is felt that a particular minority community is not represented. Much has been said in the other House about this co-option, that it is another form of nomination. I beg to differ from that view, because the system of co-option will not convert the majority into minority. The elected people are there and they may belong to this party or that party. And as long as a particular party is in a majority surely they can co-opt members. In the system of nomination the members are entirely the creation of the Minister in charge and he can nominate anybody he likes irrespective of the majority party in the district boards, and thus convert a majority party into a minority party. Under the system of co-option, it is not possible to do so. The party that is in a majority is going to co-opt, so that the majority cannot be converted into a minority. Sir, under the system of co-option I have limited the number of members to be co-opted to the minimum. As a transitory provision I am limiting it to one or two seats only. Many hon. Members doubted whether this was going to be a permanent feature. It is only a transitory provision. In certain boards there is going to be election this year, but in the case of certain other boards—there are about eight boards—the terms of members will expire in 1939. In the case of these boards this co-option is to be taken into account. This is not going to be a permanent feature. Again, these co-opted people will have to go and there will be election again. Therefore, this provision is intended to enable the Government to amalgamate the bifurcated district boards. We will have to examine the question of amalgamation from various points of view. If it is felt that the bifurcated district boards do not function properly, clauses 8 and 9 will enable the Government to amalgamate such boards. But we have to examine which of the bifurcated boards should be amalgamated. So, I must tell the House that it is not yet time for us to declare a general policy of amalgamation. The whole question is under consideration. It is to enable the Government to amalgamate certain boards where they think amalgamation is necessary, that I have brought forward this Bill. I move that the Bill be taken into consideration at once."



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

Clause 2 was put and carried.

Then clauses 3, 4, 5, 6, 7, 8 and 9 were put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

THE HON. MR. B. GOPALA REDDI:—"I beg to move that the Bill be passed into law."

\* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"The only thing that I wish to say is this: Whether this Bill, if passed, will not bring administrative confusion into the district boards. It is going to affect some 16 boards, I suppose. There are chairmen and presidents who have already been elected and if this Bill is passed, there will be no confidence motions brought forward in a number of boards against them."

MR. B. NARAYANASWAMI NAYUDU:—"I am really surprised at the attitude of the Government with regard to these legislations. Is there any national emergency which compels the Government to rush on with these legislations? If such is not the case and if it is merely the intention of this Government to scrap all the administrative acts of the previous Government—if they want to do that, they must place sufficient materials before us and ask our sanction for such legislation. Without doing any such thing, they go on with the second reading, third reading, fourth reading and so on. I am really surprised at this attitude. The present Bill which we are asked to consider I have not at all read through—of course it is my mistake that I have not read it although it was placed here. I say there seems to be no valid reason at all for the Government to rush on like this. Are we at war with anybody so that everything should be done in the heat of the moment? I simply protest against this way of the Government rushing through legislations."

THE HON. MR. B. GOPALA REDDI:—"As regards the objection raised by my hon. Friend, Sir Mahomed Usman, that there will be a lot of confusion if this Bill is passed into law, I may tell him that at the time of the previous amendment of the Act, although it was represented on the floor of the House that such nominations would convert the majorities into minorities, it was not heeded and nomination was considered to be the correct procedure. If that was granted at that time, now on account of elimination of nominated members, the majorities will remain as such and the minorities will remain as minorities. There will be no confusion. If on account of elimination of nominated members, the artificially created majority parties become minority parties, and on account of that if votes of no confidence motions are brought forward and passed against such presidents, certainly they

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will have to resign and go. There is no confusion at all, because I expect that the elected element must be in a very great majority in the boards where there have been elections in the recent past. With these few words, I move that the Bill be passed into law. I have nothing to say in reply to Mr. Narayanaswami Nayudu."

RAO BAHADUR M. RAMAKRISHNA REDDI:—"May I know whether the co-opted members have a right to vote in the district board meetings? With regard to co-opted members of various other bodies they have no right to vote. They can only attend the meetings, but they cannot take part or vote. I would like to know from the Hon. Minister whether co-opted members have a right to vote."

THE HON. MR. B. GOPALA REDDI:—"Once they are co-opted they become regular members of the board." 3-4 p.m.

KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"With the right to vote?"

THE HON. MR. B. GOPALA REDDI:—"Yes."

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

#### V.—THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) BILL, 1937.

THE HON. DR. T. S. S. RAJAN:—"Mr. President, Sir, I beg to move that the Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill,<sup>a</sup> 1937, as passed by the Legislative Assembly, be taken into consideration at once."

THE HON. MR. B. GOPALA REDDI:—"Sir, I second the motion. The Government want to adopt the Assembly electoral rolls for elections to the local boards, municipalities and the City Corporation. Some time hence we will come before the House with definite proposals for electoral reform. In the meantime, the Government want to take power to extend the life of these local bodies by a few months. With these few words, I second the motion moved by the Hon. the Leader of the House."

\* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Sir, may I ask whether the election of the Mayor of the Corporation and the chairmen of the district boards will also be postponed?"

THE HON. MR. B. GOPALA REDDI:—"The election of the Mayor and the Deputy Mayor will be conducted as usual. The chairmen of the several municipalities will continue to function till the municipal councils are dissolved and fresh elections are conducted. The municipal chairmen and vice-chairmen will have their terms extended till Government decide on the date of fresh elections."

<sup>a</sup> Printed as Appendix IV on pages 473-474 infra.

[30th September 1937]

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

Clauses 2, 3 and 4 were put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

THE HON. MR. B. GOPALA REDDI:—"Sir, I beg to move that the Bill be passed into law."

MR. MADHAVA MENON:—"Mr. President, Sir, the hon. Member from Kistna complained that we were rushing through this Bill. (Mr. B. Narayanaswami Nayudu: 'Not this Bill, but the previous Bill.') It was mentioned that we were rushing through the Local Boards Amending Bill in this House. (Some hon. Members: 'No, not this Bill.') Then I am sorry."

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

# VI.—MESSAGE FROM HIS EXCELLENCY THE GOVERNOR RE PROROGATION.

MR. PRESIDENT:—"I have received the following message from His Excellency the Governor:—

'In pursuance of clause (b) of sub-section (2) of section 62 of the Government of India Act, 1935, I, John Francis Ashley, Lord ERSKINE, Governor of Madras, hereby prorogue this session of the Madras Legislative Council.'

The Council stands prorogued."

30th September 1937]

## APPENDIX I.

[Vide answer to starred question No. 91 asked by Mr. R. Srinivasa Ayyangar at the meeting of the Legislative Council held on the 30th September 1937, at page 435 supra.]

### Statement I.

Statement showing the amount of grant paid by the Government to the management of the Nandanar Kalvi Kazhagam at Chidambaram in 1935-36 and 1936-37.

| Serial number and names of hostels and schools of the Kazhagam subsidized by the Government. | Amount of grant paid by the Government. |                       |
|----------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------|
|                                                                                              | Labour department.                      | Education department. |
|                                                                                              | RS. A. P.                               | RS. A. P.             |
| 1 Gray Hostel, Chidambaram .. .. .                                                           | 1935-36 .. .. .                         | 1935-36 .. .. .       |
|                                                                                              | 3,915 2 0 (a)                           | .. .. .               |
|                                                                                              | 144 0 0 (b)                             | .. .. .               |
|                                                                                              | 3,982 0 0                               | .. .. .               |
|                                                                                              | 50 0 0 (c)                              | .. .. .               |
|                                                                                              | 4,663 14 0 (d)                          | .. .. .               |
|                                                                                              | 4,734 6 10 (e)                          | .. .. .               |
|                                                                                              | .. .. .                                 | 1,767 0 0             |
|                                                                                              | .. .. .                                 | 2,860 0 0             |
| 2 Moir Hostel, Chidambaram .. .. .                                                           | 1935-36 .. .. .                         | .. .. .               |
|                                                                                              | 1,774 12 10                             | .. .. .               |
|                                                                                              | 978 15 6                                | .. .. .               |
| 3 Orphanage, Chidambaram .. .. .                                                             | 1935-36 .. .. .                         | .. .. .               |
|                                                                                              | 436 0 0                                 | .. .. .               |
| 4 Higher Elementary School for Girls, Chidambaram .. .. .                                    | 1935-36 .. .. .                         | .. .. .               |
|                                                                                              | .. .. .                                 | 2,909 0 0             |
| 5 Higher Elementary School for Boys, Chidambaram .. .. .                                     | 1935-36 .. .. .                         | .. .. .               |
|                                                                                              | .. .. .                                 | 2,678 0 0             |
| 6 Pannapet School .. .. .                                                                    | 1935-36 .. .. .                         | .. .. .               |
|                                                                                              | .. .. .                                 | 147 0 0               |
| 7 Sri Mushnam School .. .. .                                                                 | 1935-36 .. .. .                         | .. .. .               |
|                                                                                              | .. .. .                                 | 198 0 0               |
|                                                                                              | .. .. .                                 | 234 0 0               |
|                                                                                              | .. .. .                                 | 282 0 0               |

(a) Excludes Rs. 50-1-0 disallowed by the auditor in 1934-35 and recovered in the grant for 1935-36.  
(b) & (c) These figures represent boarding grants paid by the Labour department for individual pupils.  
(d) Excludes Rs. 8-8-0 disallowed by the auditor in 1934-35 and recovered from the grant for 1935-36.  
(e) Excludes Rs. 63-9-2 disallowed by the auditor in 1935-36 and recovered from the grant for 1936-37.

## Statement II.

Statement showing the number of hostels attached to the Nandanar Kalvi Kazhagam at Chidambaram and the strength of boarders and lodgers in 1935-36 and 1936-37.

| Serial number and names of all hostels run by the Kazhagam. | Strength of boarders and lodgers. |          |
|-------------------------------------------------------------|-----------------------------------|----------|
|                                                             | 1935-36.                          | 1936-37. |
| 1 Moir Hostel for Boys, Chidambaram                         | ..                                | 60       |
| 2 Gray Hostel for Girls, Chidambaram                        | ..                                | 66       |
| 3 Orphanage, Chidambaram ..                                 | ..                                | 80       |
| 4 District Board Hostel, Chidambaram                        | ..                                | 50       |
|                                                             |                                   | 70       |
|                                                             |                                   | 74       |
|                                                             |                                   | 82       |
|                                                             |                                   | 49       |

## Statement III.

Statement showing the expenditure incurred by the various departments and the Nandanar Kalvi Kazhagam, Chidambaram, on the maintenance of the Kazhagam's institutions in 1935-36 and 1936-37.

| Serial number and names of all hostels and schools run by the Kazhagam. | Year.    | Expenditure met by |       |                       |       |                 | Expenditure met by Kazhagam. |       |                       |       |               |
|-------------------------------------------------------------------------|----------|--------------------|-------|-----------------------|-------|-----------------|------------------------------|-------|-----------------------|-------|---------------|
|                                                                         |          | Labour department. |       | Education department. |       | District board. | Municipality.                |       | From Kallipadi lands. |       | By borrowing. |
|                                                                         |          | RS.                | A. P. | RS.                   | A. P. |                 | RS.                          | A. P. | RS.                   | A. P. |               |
| 1 Gray Hostel ..                                                        | 1935-36. | 3,915              | 2 0 0 | ..                    | ..    | ..              | 500                          | ..    | 107                   | 5 2   | 646 10 10     |
|                                                                         | 1936-37. | 144                | 0 0   | ..                    | ..    | ..              | 500                          | ..    | 31                    | 14 0  | 445 7 11      |
|                                                                         |          | 3,982              | 0 0   | ..                    | ..    | ..              | ..                           | ..    | 48                    | 10 6  | ..            |
| 2 Moir Hostel ..                                                        | 1935-36. | 4,663              | 14 0  | ..                    | ..    | ..              | ..                           | ..    | 42                    | 1 3   | ..            |
|                                                                         | 1936-37. | 4,734              | 6 10  | 1,767                 | ..    | ..              | ..                           | ..    | 60                    | 0 0   | 3,560 5 10    |
| 3 Orphanage ..                                                          | 1935-36. | ..                 | ..    | 2,860                 | ..    | ..              | ..                           | ..    | 1,353                 | 12 8  | 447 7 3       |
|                                                                         | 1936-37. | ..                 | ..    | ..                    | ..    | ..              | ..                           | ..    | ..                    | ..    | ..            |

| Serial number and names of all hostels and schools run by the Kazhagam. | Year.    | Expenditure met by |                         |                 |               |                       | Expenditure met by Kazhagam. |                |               |                |               |
|-------------------------------------------------------------------------|----------|--------------------|-------------------------|-----------------|---------------|-----------------------|------------------------------|----------------|---------------|----------------|---------------|
|                                                                         |          | Labour department. | Educational department. | District board. | Municipality. | From Kallipadi lands. | By borrowing.                | Other sources. | By borrowing. | Other sources. | By borrowing. |
| 4 District Board Hostel ..                                              | 1935-36. | ..                 | ..                      | 3,808           | 1 0           | ..                    | ..                           | 22             | 7 3           | 369            | 6 8           |
|                                                                         | 1936-37. | ..                 | ..                      | 3,002           | 8 0           | ..                    | ..                           | 543            | 12 8          | 523            | 3 3           |
| 5 Higher Elementary School for Boys, Chidambaram.                       | 1935-36. | ..                 | ..                      | ..              | ..            | 216                   | 8 7                          | 13             | 9 11          | 1,358          | 2 1           |
| 6 Higher Elementary School for Girls, Chidambaram.                      | 1935-36. | 436                | 0 0                     | ..              | ..            | 412                   | 15 0                         | ..             | ..            | 82             | 5 0           |
|                                                                         | 1936-37. | 1,774              | 12 10                   | ..              | ..            | ..                    | ..                           | ..             | ..            | ..             | ..            |
| 7 Pannapet School ..                                                    | 1935-36. | 978                | 15 6                    | ..              | ..            | ..                    | ..                           | ..             | ..            | ..             | ..            |
|                                                                         | 1936-37. | ..                 | ..                      | ..              | ..            | 237                   | 1 3                          | ..             | ..            | ..             | ..            |
| 8 Sri Mushnam School ..                                                 | 1935-36. | ..                 | ..                      | ..              | ..            | 137                   | 6 6                          | ..             | ..            | ..             | ..            |
|                                                                         | 1936-37. | ..                 | ..                      | ..              | ..            | 141                   | 4 0                          | ..             | ..            | ..             | ..            |
| 9 Mugaiyur School ..                                                    | 1935-36. | ..                 | ..                      | ..              | ..            | 118                   | 3 6                          | ..             | ..            | ..             | ..            |
|                                                                         | 1936-37. | ..                 | ..                      | ..              | ..            | ..                    | ..                           | ..             | ..            | 210            | 10 3          |

20th September 1937.

C. J. PAUL,  
Secretary to Government.

[30th September 1937]

## APPENDIX II.

[Vide item III at page 450 supra.]

## L.A. BILL No. 2 OF 1937.

*A Bill to regulate the trade of dealers in cloth within the Province of Madras.*

(As passed by the Legislative Assembly.)

WHEREAS it is expedient to regulate the trade of dealers in cloth and articles of wearing apparel made of cloth within the Province of Madras; It is hereby enacted as follows:—

Short title  
and extent.

1. (1) This Act may be called the Madras Regulation of the Sale of Cloth Act, 1937.

(2) It extends to the whole of the Province of Madras.

Dealing in  
cloth to be  
licensed.

2. (1) Every person who, on the date of the commencement of this Act, is carrying on the business of a dealer in cloth or in articles of wearing apparel made of cloth, in the Province shall, within two months of such date, obtain a licence under this Act for carrying on such business.

(2) Every person who after the date of the commencement of this Act starts the business of a dealer in cloth or in articles of wearing apparel made of cloth in the Province shall, within two months of starting such business, obtain a licence under this Act for carrying on such business.

*Explanation.*—Where a dealer has more than one shop or place of business whether in the same town or village or in different towns and villages, he shall obtain a separate licence in respect of each shop or place of business.

Expiry and  
renewal of  
licence.

3. Every licence granted under this Act shall expire on the last day of the year for which it was granted but may be renewed from year to year.

*Explanation.*—In this section 'year' shall mean the financial year.

30th September 1937]

4. (1) The fee payable for the grant or renewal of a licence in respect of the business at any one shop or place of business shall be—

Fee for  
licence.

(a) two rupees, where the monthly turnover of business in that shop or place of business as determined by rules made under this Act, does not exceed three thousand rupees; and

(b) five rupees, where such monthly turnover exceeds three thousand rupees:

Provided that no fee shall be levied for the grant or renewal of a licence in respect of the business carried on at any shop or place of business, if it relates exclusively to cloth woven on hand-looms or articles of wearing apparel made therefrom and the dealer declares in writing that he has not sold and will not sell any other cloth or articles of wearing apparel made of cloth at such shop or place of business during the period of currency of the licence.

*Explanation.*—In this sub-section 'monthly turnover' means the aggregate amount for which sales are effected in a month.

(2) Where a licence is granted or renewed free of fee under the proviso to sub-section (1), the licence shall become void if any cloth not woven on hand-looms or any article of wearing apparel not made therefrom is sold at the place mentioned in the licence, and no cloth or article of wearing apparel made of cloth shall thereafter be sold at such place unless a fresh licence has been obtained on payment of the fee specified in sub-section (1).

5. The provisions of this Act shall be applicable *mutatis mutandis* to hawkers of cloth or of articles of wearing apparel made of cloth, provided however that a hawker shall be liable to obtain only one licence for a financial year, whatever his area of operations may be.

6. A person who in respect of any financial year fails to obtain a licence as required by sub-section (1) or sub-section (2) of section 2, or to renew a licence

Penalty for  
failure to  
obtain  
licence.

[30th September 1937]

before the date on which it expires, or to obtain a fresh licence as required by sub-section (2) of section 4, shall be liable to pay in respect of such year twice the amount of the fee payable by him under sub-section (1) of section 4, or if no fee is so payable, a fee of one rupee; and any amount payable under this section may be recovered as if it were an arrear of land revenue. On payment or recovery of the amount prescribed by this section, a licence shall be deemed to have been granted to or renewed in favour of the person aforesaid for the financial year, to which such payment or recovery relates.

6. The Provincial Government shall have power to make rules— Power to make rules

- (a) prescribing the authority competent to grant or renew licences under this Act,
- (b) for determining the monthly turnover for the purpose of levying the licence fee,
- (c) for the recovery of any amounts due under this Act; and
- (d) generally for carrying into effect the purposes of this Act.

30th September 1937]

## APPENDIX III.

[Vide item IV at page 458 supra.]

(As passed by the Legislative Assembly.)

*A Bill further to amend the Madras Local Boards Act, 1920, and the Madras Local Boards and Elementary Education (Amendment) Act, 1934, for certain purposes.*

WHEREAS it is expedient further to amend the Madras Local Boards Act, 1920, and the Madras Local Boards and Elementary Education (Amendment) Act, 1934, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Local Boards (Amendment) Act, 1937. Short title.

2. Clause (cc) of rule 7 of the schedule to the Madras Local Boards and Elementary Education (Amendment) Act, 1934, shall be omitted. Amendment of rule 7 of the Schedule, Madras Act II of 1934.

3. All persons nominated to any district board under clause (cc) aforesaid shall cease to hold office with effect from the commencement of this Act, and the Provincial Government may if they think fit, notwithstanding anything contained in sub-section (3) of section 9 of the Madras Local Boards Act, 1920, direct the elected members of the district board to co-opt as its members— Nominated members of District Boards to vacate office and co-optation of representatives of women and of minority communities.

- (a) one representative of women, and
- (b) one representative each of such of the communities mentioned in clauses (a) to (e) of sub-section (1) of the said section 9 as the Provincial Government may determine :

Provided that no such direction shall be given :  
 in the case of women, if a woman is a member of the district board, and  
 in the case of a community, if a member of that community is a member of the district board;

having been elected thereto to fill a seat reserved for women or for the community concerned, as the case may be.

Madras Act  
XIV of  
1920.

Madras Act  
II of 1934.

Madras Act  
II of 1934.

Madras Act  
XIV of 1920

[30th September 1937]

4. No person shall be co-opted as a member of a district board under this Act unless the name of such person appears on its electoral roll and such person is otherwise qualified for election to the district board under Chapter IV of the Madras Local Boards Act, 1920.

Qualifications to be possessed by co-opted members.

5. Members co-opted to any district board under this Act shall, subject to the provisions of sub-section (2) of section 54 and sections 56, 57 and 59 of the Madras Local Boards Act, 1920, and of section 8 of this Act hold office until the date on which the elected members of the district board would vacate their offices by efflux of time.

Term of office of co-opted members.

6. If a member co-opted to any district board under this Act vacates office before the date referred to in section 5, the elected members of the district board shall co-opt another person to fill the vacancy. The person co-opted shall be a woman or a person belonging to the community concerned, as the case may be.

Casual vacancies.

*Explanation.*—The provisions of sections 4 and 5 shall apply to a member co-opted under this section.

7. The procedure for the election of persons who are not members of a district board to the standing committees referred to in section 27-A of the Madras Local Boards Act, 1920, shall *mutatis mutandis* apply to the co-option of members by a district board under this Act.

Procedure.

8. Notwithstanding anything contained in section 3-A of the Madras Local Boards Act, 1920, the Provincial Government shall have power, at any time by notification, to amalgamate two or more districts which were constituted from a single district by a notification under that section, and thereupon the following provisions shall apply:—

Amalgamation of bifurcated district boards.

- (i) All the elected members of each of the district boards which are amalgamated (hereinafter referred to as the old boards) who were holding office immediately before the date of issue of the notification under this section shall, with effect on and from such date, be deemed to have become members of the amalgamated district board (hereinafter referred to as the new

[30th September 1937]

board), and the co-opted members, if any, of the old boards shall, with effect on and from the same date, be deemed to have vacated their offices.

- (ii) The members of the new board shall, subject to the provisions of sub-section (2) of section 54 and sections 56, 57 and 59 of the Madras Local Boards Act, 1920, hold office until the date on which they would have vacated their offices on the old boards by efflux of time if a notification under this section had not been issued.

Section 7 of the Madras Local Boards Act, 1920, in so far as it fixes the maximum number of members of a district board shall not apply to the new board until the date aforesaid.

- (iii) The circles of the old boards as existing on the date of issue of the notification under this section shall be the circles of the new board, unless and until the Provincial Government otherwise direct by a notification under section 47 of the Madras Local Boards Act, 1920.

- (iv) If any vacancy in the office of an elected member of any of the old boards existed at the time of issue of the notification under this section, a member shall be elected to the new board at a casual election by the circle concerned.

- (v) If any vacancy in the office of a member of the new board occurs otherwise than by efflux of time, such vacancy shall be filled by a casual election by the circle concerned, and any person elected at such an election shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

- (vi) The presidents and vice-presidents of the old boards holding office on the date of issue of the notification under this section shall be deemed to have vacated their respective offices

[30th September 1937]

with effect on and from such date, and the members of the new board shall, as soon as may be thereafter,—

- (a) meet for the election of a president on such date as may be fixed in that behalf by the Collector of the district; and
- (b) meet for the election of the vice-president on such date as may be fixed in that behalf by the president so elected.

9. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, by order, as occasion may require, do anything which appears to them to be necessary to remove the difficulty.

Power to  
remove  
difficulties

30th September 1937]

## APPENDIX IV.

[Vide item V at page 461 *supra*.]

(As passed by the Legislative Assembly.)

*A Bill further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, and the Madras Local Boards (Amendment) Act, 1935, for certain purposes.*

Madras Act  
IV of 1919.  
Madras Act  
V of 1920.  
Madras Act  
XIV of 1920.  
Madras Act  
XIII of  
1935.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, and the Madras Local Boards (Amendment) Act, 1935, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1937.

Short title.

Madras Act  
IV of 1919.

2. Notwithstanding anything contained in sections 55-A and 414 of the Madras City Municipal Act, 1919, the Provincial Government shall have power from time to time to extend the term of office of the fifteen divisional councillors who are due to vacate their offices at noon on the first day of November 1937 up to such date not being later than the 31st day of March 1938 as the Provincial Government may fix and to postpone the elections to the divisional seats accordingly.

Amendment  
of Madras  
Act IV of  
1919.

Madras Act  
V of 1920.

3. (1) Notwithstanding anything contained in sections 8 and 368 of the Madras District Municipalities Act, 1920, the Provincial Government shall have power from time to time to extend the term of office of the councillors of every municipality, who are due to vacate their offices at noon on the 1st day of November 1937, up to such date not being later than the 31st day of March 1938 as the Provincial Government may fix and to postpone the elections to such municipalities accordingly.

Amendment  
of Madras  
Act V of  
1920.

(2) Where any municipality has been constituted for the first time or has to be reconstituted after a dissolution or supersession, the Provincial Government shall have power, notwithstanding anything



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Madras Act  
V of 1920.

contained in the Madras District Municipalities Act, 1920, from time to time to postpone the constitution or reconstitution of the municipality and the elections thereto up to such date not being later than the 31st day of March 1938 as the Provincial Government may fix.

Madras Act  
XIV of 1920Madras Act  
XIII of  
1935.Madras Act  
XIII of  
1935.Madras Act  
XIV of 1920.

4. (1) Notwithstanding anything contained in sections 11 and 240 of the Madras Local Boards Act, 1920, or in section 7 of the Madras Local Boards (Amendment) Act, 1935, the Provincial Government shall have power from time to time to extend the term of office of the members of every local board situated in any of the districts included in Group I of the Schedule to the Madras Local Boards (Amendment) Act, 1935, up to such date not being later than the 31st day of March 1938 as the Provincial Government may fix and to postpone the elections to such local boards accordingly.

(2) Where any local board has been constituted for the first time or has to be reconstituted after a dissolution or supersession, the Provincial Government shall have power notwithstanding anything contained in the Madras Local Boards Act, 1920, from time to time to postpone the constitution or reconstitution of the local board and the elections thereto up to such date not being later than the 31st day of March 1938 as the Provincial Government may fix.

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1ST, 6TH, 7TH, 9TH, 10TH, 27TH TO 30TH SEPTEMBER  
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