



**MADRAS LEGISLATIVE COUNCIL
DEBATES**

OFFICIAL REPORT

Friday, the 27th January 1939

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PERSONNEL OF THE GOVERNMENT OF MADRAS.

GOVERNOR OF MADRAS.

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

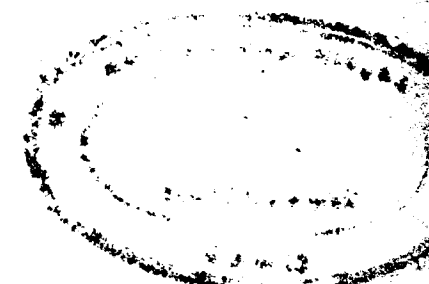
COUNCIL OF MINISTERS.

1. THE HON. SRI 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.



A. CHIEF SECRETARIAT (PUBLIC DEPARTMENT)—cont.

Provincial subjects—cont.

Government House—cont.

(iii) Personal staff of the Governor.

(iv) Works—

Construction.

Maintenance and furnishing.

Government Servants' Conduct Rules.

Handbook of Procedure and Precedents.

High Court Judges—Leave.

Holidays.

Indian Civil Service including annuities 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.

Provincial works and buildings under the administrative control of the Chief Secretary.

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.

Service 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.

A. CHIEF SECRETARIAT (PUBLIC DEPARTMENT)—cont.

Provincial subjects—cont.

Public Services—cont.

Statutory Rules and Orders—

Civil Services (Classification, Control and Appeal) Rules.

Superior Civil Services Rules.

Subordinate Services—

Discipline and Appeal Rules.

Passage Rules.

Railway lands—Jurisdiction.

Religious or communal disputes.

Reports—

Fortnightly.

Matters of political and administrative importance.

Returns—Next of kin.

Secretariat—

Central Issue Branch.

Central Records Branch.

Establishment.

Library.

Manual.

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.

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

Federal subjects—cont.

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.
Provincial works and buildings under the administrative
control of the Police Department.

Concurrent subjects—

Persons subject to preventive detention under Federal
authority.

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 belong-
ing 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.
Financial Rules.

C. FINANCE DEPARTMENT—*cont.*

Provincial subjects—cont.

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, but not including
Indian Civil Service annuities.
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.
Federal taxes and duties in which the Provinces are interested
such as income-tax, Federal excises, etc.
Indian Audit and Accounts Service examination.
Post Office Savings Bank.
Public Debt of the Federation.

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

Provincial subjects—

Betting Tax Act.
Board of Revenue (general).
City Tenants' Protection Act.
Constitution of districts, divisions and taluks.
Court of Wards and Zamindars—
Impartible Estates Act.
Deputy Collectors.
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.

Provincial subjects—cont.

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

- Alienation of land revenue.
- Assessment and collection of land revenue.
- 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.

Provincial works and buildings under the administrative control of the Land Revenue and Registration Departments.

Registration.

Sale of Cloth Act.

Season.

Settlement—Kistbandi.

Special funds.

Stamp duty on documents—Rates of.

Survey—Boundary disputes.

Taxes on agricultural income.

Transfer of villages.

Treasure trove.

Treasuries.

Village accounts.

Village establishments.

Water-supply.

Yeomiah.

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.

Concurrent subjects—cont.

Registration of deeds and documents.

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

Federal subjects—

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

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

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

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

Salt.

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

Survey of India.

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

Provincial subjects—

Canals—Irrigational and navigable.

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

Gas and gas works.

Hydro-electric schemes.

Inland waterways and traffic thereon.

Irrigation—Major works.

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

Minor ports.

Minor railways, light and feeder railways.

Provincial works and buildings under the administrative control of the Public Works and Electricity Departments.

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

Railway—Accidents.

Rivers—Conservancy.

Taxes on boats.

Tramways—Extra municipal.

Concurrent subjects—

Boilers.

Electricity.

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

Federal subjects—

Air craft and air navigation; regulation and organization of air traffic and of aerodromes.
 Carriage of passengers and goods by sea, or by air.
 European cemeteries.
 Lighthouses, including light ships and beacons.
 Major ports—Constitution and powers of port authorities therein.
 Marine—Maritime shipping and navigation, including shipping and navigation on tidal waters; admiralty jurisdiction.
 Port quarantine and marine hospitals.
 Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.
 Railways other than minor railways—Construction and regulation.
 Taxes on railway fares and freights.
 Terminal taxes on goods or passengers carried by railway, water or air.
 Works and buildings vested in or in the possession of His Majesty for the purposes of the Federation.

4. THE HON. DR. P. SUBBARAYAN, Minister in charge of Law. Took his seat on the 30th 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.

Provincial subjects—cont.

Control of vehicles other than mechanically propelled vehicles.
 Cordons.
 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.
 Petitions from convicts including Port Blair convicts.
 Preventive detention and persons subject to such detention.
 Prisoners.
 Prisons Act and rules thereunder.
 Provincial law reports.
 Provincial works and buildings under the administrative control of the Jail and Judicial departments.
 Stage Carriages Act.
 Theatres, Dramatic performances and cinematographs.
 Towns Nuisances Act.
 Village Courts Act.

Concurrent subjects—

Administrator-General and Official Trustee.
 Adoption.
 Arbitration.
 Bankruptcy and insolvency.
 Cinematograph films for exhibition.
 Civil Procedure including the law of Limitation and all matters included in the Code of Civil Procedure at the date of the passing of the Government of India Act, 1935.
 Criminal law including all matters included in the Indian Penal Code at the date of the passing of the Government of India Act, 1935.
 Criminal Procedure including all matters included in the Code of Criminal Procedure at the date of the passing of the Government of India Act, 1935.
 Criminal tribes.
 European Vagrancy Act.
 Evidence and oaths.

Concurrent subjects—cont.

- 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 excluding emigration and immigration in their relation to labour.
- Arms, firearms, ammunition and explosives.
- 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 Hedzas.
- Repatriation except in its relation to Labour.
- State lotteries.

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.

LEGAL—cont.

- 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 the 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

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

Concurrent subjects—

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

6. THE HON. SRI V. I. MUNISWAMI PILLAI, Minister for Agriculture and Rural Development. Took his seat on the 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.
Marketing.
Money-lending and money-lenders.
Protection of wild animals and birds.
Provincial works and buildings under the administrative control of the Agriculture, Cinchona, Fisheries, Forest and Veterinary Departments.
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.
Provincial works and buildings under the administrative control of the Excise Department.

7. THE HON. SRI V. V. GIRI, Minister for Industries and Labour. Took his seat on the 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).
Mines and oil-fields and development of mineral resources.
Provincial works and buildings under the administrative control of the Co-operative, Industries and Labour Departments.
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.
Emigration and immigration in their relation to Labour.
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.

Federal subjects—cont.

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, in its relation to Labour.

Tariffs.

Taxes on the capital of individuals or of companies.

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

Publicity—General.

Publicity—Free or concessional supply of Government publications.

Presidency Administration Reports.

EDUCATION DEPARTMENT.

Provincial subjects—

Books—

Copyright—

Registration of.

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

Certificate of age and qualification.

Government Presses.

Liveries and clothing.

Madras Record Office.

Provincial gazetteers.

Stationery and printing.

Translators to Government.

Zoological gardens.

Concurrent subjects—

Legal, medical and other professions.

Federal subjects—

Ancient and historical monuments.

Archæology and Epigraphy.

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.

9. THE HON. SRI B. GOPALA REDDI, Minister for Local Administration. Took his seat on the 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.

Markets.

Monigiar Choultry.

Municipal councils—

General administration and all matters relating to them not specifically assigned to other departments.

Taxes on animals.

Taxes on land and buildings, hearths and windows.

Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

Taxes on the sale of goods and on advertisements.

Tolls.

Tramways within municipalities.

10. THE HON. SRI C. J. VARKEY, Minister for Education. Took his seat on the 7th January 1939 and is in charge of the following portfolios:—

EDUCATION.

Provincial subjects—

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

Civil Orphan Asylum.

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

Examinations except Public Service Notification and Board of Examiners.

Libraries.

Literary, scientific, religious and other societies and associations.

Museums.

Preservation and translation of ancient manuscripts.

**PRINCIPAL OFFICERS OF THE MADRAS
LEGISLATIVE COUNCIL.**

President.

THE HON. DR. U. RAMA RAO.

Deputy President.

SRI K. VENKATASWAMI NAYUDU.

Panel of Chairmen.

- 1 KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR.
- 2 THE RT. HON. V. S. SRINIVASA SASTRI.
- 3 SRI T. A. RAMALINGAM CHETTIYAR.
- 4 „ V. V. JOGAYYA PANTULU.

Secretary to the Council.

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

Name of member.	Name and class of constituency.
32 Runganathan, Diwan Bahadur S. E.	Indian Christian.
33 Saldanha, J. A.	Indian Christian.
34 Samiappa Mudaliyar, Rao Bahadur N. R.	Tanjore, General.
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 Rt. Hon. 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	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., Dr. Sir Kurma.	NOMINATED.
55 Venkataswami Nayudu, K. (Deputy President).	Madras City, General.

THE MADRAS LEGISLATIVE COUNCIL

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

Friday, the 27th January 1939.

The House met in the Banqueting Hall, Government House, Mount Road, at eleven of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—CONDOLENCE RESOLUTION *RE* THE DEATH OF THE HON. SRI K. RAMAN MENON.

* THE HON. DR. T. S. S. RAJAN:—“ Sir, I have the painful duty of moving this resolution to be adopted by this House, viz.—

‘That an expression of the profound regret of this Council at the death of the late Hon. Sri K. Raman Menon, Minister in charge of Courts and Prisons, and of sympathy with his bereaved family be placed on record and conveyed to them.’

“ Sir, it is perhaps one of the most painful duties that I have to perform particularly when one remembers that he had been a colleague with us for months together working away for all he was worth, and discharging the duties which he was called upon to discharge by the electorate. The late Mr. Raman Menon was personally known to me and I have claimed him as one of my friends. I came into close contact with him in the Vellore jail during the Satyagraha campaign of 1930. A few days' contact with him was enough to make me feel the pleasure of contact with a man of high ideals, a man of truth and a man to whom conviction was everything in life. He was a pleasant companion who faced the trials of jail life very cheerfully indeed. Neither of us knew that we would meet as colleagues in the discharge of our duties as Ministers. But separated as we were since we pursued different walks of life, it had been a peculiar pleasure to me and a great happiness which will not recur again to have had the privilege of working with him as Minister. Sir, he was as true as gold, straight in his dealings and courteous to friends and enemies alike. He was always ready to shoulder the burden that he was called upon to bear. He understood the implications of service. To lose him just at the outset of our career is indeed an

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irreparable loss. The loss is not only a loss to the Congress party and to the Government, but to the whole country. Few men could be compared to him in all that he represented as Minister and as a patriot who has suffered for the cause of the country. He was not a very rich man as rich people are understood to be now-a-days. He was born poor but the merit of his service was in the fact that he was true and faithful. He was a man of very large family, young in years with a bright future before him, but Providence willed otherwise and he has been snatched away from our midst. We cannot sufficiently express the feelings that surge in our minds at the irreparable loss we have suffered. May his soul rest in peace! We offer our sincere condolences to his family; and all those that are left behind him will, I am sure, remember the high example that he set in the discharge of the duties of his office. His memory will always remain fresh in our minds."

*SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
"Mr. President, Sir, I second the resolution with grief. I have not had the privilege of personal acquaintance with the late Mr. Menon, as the Hon. the Leader of the House. I became acquainted with him only after becoming a member of this Council. Within a very short time I found him to be a very sympathetic man and a sincere and true gentleman. I do not want to say more on this occasion except to associate myself whole-heartedly with all the sentiments expressed by the Hon. the Leader of the House."

*KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—
"Mr. President, I should like to associate myself with the sentiments which have been expressed by the Hon. the Leader of the House and the hon. the Leader of the Opposition at the passing away of the Hon. Mr. Raman Menon. He was a very popular Minister and his death is a great loss not only to the Government and this House but also to the whole country. If he had not died at the early age of 42 but lived longer, he would no doubt have served this country in various capacities and given a very good account of himself as a great nationalist. Mr. Raman Menon was one of those gentlemen who made no distinction between members of his own party and members of other parties. He was very popular not only with members of his own party but with members of other parties also. I can say without any hesitation and without any fear of contradiction that he was one of those few persons who had all friends and no enemies. Therefore his death is a great loss to this country. Let us take this opportunity of conveying our sincere condolences to his family and to those who are left behind him."

*MR. D. M. REID:—"Mr. President, I should like to associate myself very deeply with what has been said by the Hon. the Leader of the House and the other speakers regarding the sad demise of Mr. Raman Menon. We all feel very deeply

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the irreparable loss which not only the Congress party and this House but the whole Presidency has suffered in the parting of so young and so able an administrator, legislator and Minister as Mr. Raman Menon. In my association with him I found him a deep-seated social reformer with a wide vision and deep interest in everything that was best for his people, with a fiery resolve ever to progress forward and at the same time realizing the necessity of orderly obedience to his party. He was of an endearing nature, always ready to listen patiently and grasp everything that was said to him. I am sure he was looking forward to a future when there would be great happiness to his people, but that was most unfortunately cut short by his death. Sir, I wish to associate myself very deeply with this motion."

*KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR:—"Mr. President, though I come from the West Coast, it is not that attachment which impels me to say a few words on this occasion about the lamentable death of Mr. Raman Menon. I knew him long before he became Minister and I know that he was a true son of the soil who was determined to devote his life to work for the salvation of the country. Though I belong to the Opposition, I have found him as a Minister to be very sincere and friendly in his dealings with everybody else in the House. Had it not been for the strict discipline that was imposed on him, he would have been very useful to the House in measures which the Congress Ministry has passed by giving his valuable support to some of the amendments which he thought to be necessary. But discipline made him silent. We all expected that he would live long to serve his country, but his sudden demise has cast not only the members of the Congress but everybody irrespective of caste and creed into mourning. When I read the news of his death in a local paper I was really shocked. I beg to associate myself with all the sentiments which have been expressed by the Hon. the Leader of the House and the other members who have spoken before me and request you, Sir, to convey our heartfelt sympathy to the bereaved family."

DR. SIR K. V. REDDI NAYUDU:—"Mr. President, I wish to associate myself with the sentiments which have been expressed by all the previous speakers. I did not of course know Mr. Raman Menon quite as well as some hon. Members who have spoken before me, but it was not necessary to have known him long to form an estimate of his character. During the year and a half during which he had been Minister he has given proof of sincerity, honesty and good-will. The impression that he created upon my mind was that he was a perfect gentleman. He had a noble heart that could appreciate what is being said on this side of the House. We never had occasion to complain about anything that he said,

[Sir K. V. Reddi Nayudu] [27th January 1939]

because everything he said was inspired by the best of spirits. His death is a great loss to the country. I believe that he had great schemes for making improvements in the jail administration and in the administration of civil justice. We had no clue as to what he was thinking of, but we were certain that he was thinking of making some very good improvements. But we are now deprived of that opportunity. In that sense also his death is a great loss to the country. Like other hon. Members I pray for the peace of his soul. Let his example be followed as far as possible in this House and in the country outside."

* DR. C. RAMALINGA REDDI:—"Mr. President, as one of the old members of this Council I should like to associate myself most heartily with the sentiments and the sorrow which the Hon. the Leader of the House has expressed on this occasion. The Hon. Dr. Rajan has on this occasion spoken for all sections of the House and I do not think it is necessary to say more than a few words of personal tribute. Sir, I have had the fortune of coming into contact with this young Minister on more than one occasion.

11-15
a.m.

"I was very much struck by his disinterested love of service to the country. I may add that, on a certain occasion when it happened that he had to reply to important points, he replied so ably to the points, and I rose and passed across the table and congratulated him on his ability in piloting an important measure. He is one only of a few men not only to be admired but also to be loved; he was a man of very nice temperament and of the right kind of heart to be loved. It is a great loss not merely to the party in which he moved in intimate terms but to the public life of our Presidency and the country in general and to all those who wish to see that our polity function on a high level, right temper and spirit of right judgment. I request you, Sir, to convey to the unfortunate widow of Mr. Raman Menon the sympathy of all sections of this Council on his death."

* SRI R. SRINIVASA AYYANGAR:—"Mr. President, Sir, the mere fact that six distinguished members of the Opposition have spoken on the demise of the late Mr. Raman Menon, testifies in a large measure to the popularity he enjoyed. The cruel hand of Death snatched him away from our midst though he was very young. We all feel that his loss is great, colossal, stupendous and irreparable. He was the very pink of courtesy. Though he was in office for less than a year and a half, he had shown remarkable powers. To the country his loss is great. So far as this House and the Presidency are concerned, it is equally a great loss; it is a great national loss and he has left a void which it will be difficult to fill up. Though not rich materially as we understand it, he was rich in the immensity of robust patriotism, love of the country and a yearning and desire to serve the country in all possible directions.

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He had a burning desire to serve the country; he was full of patriotism and he was prepared to go to any length for the purpose of serving the country as a whole. It was a great loss especially when he had a robust constitution; he was called away by the Maker sooner than was expected. As I began, I shall end by saying that it is a national loss to the Province generally and to the Congress party in particular, of which he was an ornament. We feel, Sir, his death very deeply. May his soul rest in peace!"

MR. PRESIDENT:—"I desire to associate myself with the sentiments expressed by the Hon. the Leader of the House and other hon. Members. The late Mr. Raman Menon was an amiable friend, a genuine patriot and a great national worker. In the death of Mr. Raman Menon, the country has lost an able administrator and society a perfect gentleman. I hope that the resolution will be adopted by the House, all members standing. The question is:

'That an expression of the profound regret of this Council at the death of the late Hon. Sri K. Raman Menon, Minister in charge of Courts and Prisons, and of sympathy with his bereaved family be placed on record and conveyed to them.'"

The resolution was passed, all the members standing.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Import of rice, jaggery, etc., and its effect on local products.

* 133 Q.—SRI RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether it is a fact that there are heavy imports of rice, broken rice and of late jaggery also into this Presidency;

(b) whether it is a fact that the heavy increase in imports of paddy, rice and jaggery have affected the prices of local products and that the present low import duty on broken rice has had no deterrent effect; and

(c) whether the Government will place on the table a statement showing the quantity of rice and jaggery produced, exported and imported into this Presidency during the last five years?

THE HON. SRI V. I. MUNISWAMI PILLAI (Minister for Agriculture and Rural Development) on behalf of the Hon. Sri V. V. Giri:—" (a) There were heavy imports of paddy and rice though the imports in 1937 were less by 27.8 per cent when compared with the imports of 1935. The imports of cane jaggery are not appreciable.

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"(b) The imports of paddy and rice have affected the prices of local paddy and rice but the imports of jaggery have not affected the prices of the local product. The imposition of duty on broken rice made no difference as broken rice continued to come from Burma instead of from foreign countries.

"(c) Three statements^a furnishing the information are laid on the table of the House."

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—"May I ask, Sir, whether the Government are aware of the fact that during the last two months, a large quantity of paddy and rice has been imported into the Madras Presidency with the result that there is a great fall in the prices of rice and paddy here?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"I think so, Sir."

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—"May I ask if the Government would levy an import duty on paddy and rice and jaggery?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"It being a Central subject, it is not possible for the Local Government to impose import duty."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I ask whether this Government have recommended the same to the Central Government?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"We have already done so. But according to the trade regulation existing between India and Burma, it is not possible to do anything immediately."

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—"Will the Hon. Minister be pleased to state whether the Government have received any representations from non-officials and whether the Government have communicated them to the Government of India?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"So far, we have not received any representation."

Expenditure on Madras Medical College and its buildings and on Stanley Medical College and the expenditure on Vizagapatam Medical College and Hospital.

* 134 Q.—SRI D. SRIRAMAMURTI: "Will the Hon. the Minister for Public Health be pleased to state—

(a) what is the amount spent for the Medical College buildings and for the Medical College at Madras from 1920 to 1938;

^a Printed as Appendix I on page 56 infra.

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(b) what is the amount spent for the Medical College and Hospital at Vizagapatam respectively year-wise since its starting;

(c) what is the amount required for the Vizagapatam Medical College and Vizagapatam Hospital respectively to make it fully equipped and to satisfy the requirements of the Medical Council for getting affiliation and recognition of the Andhra Medical degrees;

(d) what is the amount spent for the Stanley Medical College at Madras; and

(e) what was the necessity for having a second Medical College at Madras?

THE HON. DR. T. S. S. RAJAN:—" (a) & (b) A statement^a showing the required information is laid on the table of the House.

"(c) The attention of the hon. Member is invited to the answer to Legislative Council unstarred question No. 31.

"(d) No additional expenditure has so far been incurred.

"(e) Consequent on the abolition of the Stanley and Lady Willingdon Medical Schools, it was necessary to open a new Medical College as the two existing colleges could not admit more candidates for want of accommodation and as the Government did not want to reduce the facilities for the teaching of medical students."

Supersession of panchayat boards since July 1937.

* 135 Q.—SRI B. NARAYANASWAMI NAYUDU: Will the Hon. the Minister for Local Administration be pleased to state the names of the several panchayat boards that were superseded since July 1937 up to date, the party that was in power when ordering supersession, the names of the persons appointed to act as Special Officers in respect of such supersession, the party to which such appointees belonged and their remuneration?

THE HON. SRI B. GOPALA REDDI:—"A statement^b showing the names of panchayats superseded after July 1937 and of the persons appointed as Special Officers with information as to their remuneration is placed on the table of the House. The Government have no information as to the party to which the Special Officers belonged or as to the party that was in power in the panchayats when supersession was ordered."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"Will the Hon. Minister be pleased to call for further information?"

THE HON. SRI B. GOPALA REDDI:—"The information is not available."

^a Printed as Appendix II on page 57 infra.

^b Printed as Appendix III on page 58 infra.

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SRI B. NARAYANASWAMI NAYUDU:—" May I ask whether the Hon. Minister cannot give which party was in power, the Congress party or any other party? "

THE HON. SRI B. GOPALA REDDI:—" As far as I know, no organized party conducted the elections to the panchayat boards; it is not possible to say to which parties they belonged. "

SRI B. NARAYANASWAMI NAYUDU:—" Were not the elections conducted on the colour-box system? "

THE HON. SRI B. GOPALA REDDI:—" When some of these panchayat members were elected, the colour-box system was not introduced. "

SRI B. NARAYANASWAMI NAYUDU:—" May I ask whether the Hon. Minister cannot say which party was in power and which was not? "

THE HON. SRI B. GOPALA REDDI:—" The elections for most of these panchayat boards that were superseded, were held in the years 1936 and 1937; the colour-box system was introduced last year. "

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" With regard to the Special Officer appointed to Orattanad panchayat, viz., Sri P. A. Ramakrishna Reddy, B.A., may I know to which district he belongs? "

THE HON. SRI B. GOPALA REDDI:—" I should like to have notice. "

SRI B. NARAYANASWAMI NAYUDU:—" Do not the Government know to which party the Special Officer, Sri A. Nageswara Rao, belongs? "

THE HON. SRI B. GOPALA REDDI:—" The hon. Member put a separate question on this point, and it was replied, though the hon. Member was absent on that occasion, that he did not belong to the Congress party. "

SRI B. NARAYANASWAMI NAYUDU:—" May I know to which party Sri Duggirala Krishnamurti belongs? "

THE HON. SRI B. GOPALA REDDI:—" I know that he belongs to the Congress party. "

SRI B. NARAYANASWAMI NAYUDU:—" Sri A. Ramayya? "

THE HON. SRI B. GOPALA REDDI:—" I do not know. "

SRI B. NARAYANASWAMI NAYUDU:—" May I know if the Hon. Minister will place before the House a statement showing the parties to which these Special Officers belong? "

THE HON. SRI B. GOPALA REDDI:—" It is not necessary; they belong to the Government service now, after their appointment. "

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Government Medical officers and private practice.

* 136 Q.—SRI RAO BAHADUR M. RAMAN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether under the present proposal of the Government not to allow Medical officers in Government service to have private practice, the I.M.S. officers are granted any exemption and allowed to have private practice and if so, for what reason; and

(b) what proportion does the salary of the I.M.S. officers bear to that of the officers in the Provincial Medical Service?

THE HON. DR. T. S. S. RAJAN:—" (a) The question of restricting private practice to Government medical officers who are under the rule-making powers of this Government is under consideration and no final decision has been arrived at in the matter. Indian Medical Service officers are not under the rule-making powers of this Government and this Government have therefore no control over the private practice of these officers.

" (b) The proportion of the salary of the Indian Medical Service officers to that of officers of the Madras Medical Service is approximately 1: 5."

Treatment for tuberculosis patients in the hospitals in South Kanara.

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

(a) what the approximate number was of tuberculosis out-patients treated in Government hospitals in South Kanara outside Mangalore in the years 1936-37 and 1937-38;

(b) what measures have been adopted for the treatment of such cases in those hospitals;

(c) whether there are any special private hospitals and homes for treatment of tuberculosis in-patients in South Kanara; if so, which;

(d) whether Government are giving any aid to any of those institutions; and

(e) what the policy of Government is as to giving aid to such institutions?

THE HON. DR. T. S. S. RAJAN:—" (a) The total number of tuberculosis out-patients treated in the four Government hospitals in the South Kanara district (excluding Mangalore) in 1936-37 and 1937-38 was 238 and 221, respectively.

" (b) Usually, as soon as the disease is diagnosed, the patient is treated with cod liver oil, injections of sodium mofrhuate and calcium. He is advised to take nourishing food and to have rest, plenty of air, etc. In the absence of separate staff,

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no other special treatment is possible. The patient is advised to seek further treatment at Madanapalle or in hospitals having special wards for tuberculosis, if he can afford it.

“(c) A mission hospital with about six beds has been recently opened near Moodibidri.

“(d) The answer is in the negative.

“(e) The Government generally give grants to private medical institutions, towards the cost of building, initial equipment and maintenance. Grants for these objects are being given to tuberculosis institutions also.”

MR. J. A. SALDANHA:—“ May I enquire how these patients are dealt with in the hospitals especially in Mangalore? What is the treatment that is given to them in the hospitals? ”

THE HON. DR. T. S. S. RAJAN:—“ Treatment within the hospital is left to the discretion of the District Medical Officer; the Government have nothing to do with it.”

MR. J. A. SALDANHA:—“ May I ask where these patients can go, especially as they are treated badly at home and they do not get admission anywhere in the hospitals? ”

THE HON. DR. T. S. S. RAJAN:—“ I am sorry that the Government cannot be held responsible for these poor patients; they can only do their duty to the extent that accommodation is available in the hospitals.”

MR. J. A. SALDANHA:—“ Is the accommodation quite adequate for the purpose? Apart from beds in the Mangalore hospital, are there any beds in the whole district for such patients? ”

THE HON. DR. T. S. S. RAJAN:—“ I have already informed the hon. Member the provision made in the district for patients. It may not be adequate, but it cannot be helped just now.”

MR. J. A. SALDANHA:—“ Will the Government be prepared to give aid to private institutions, if they are prepared to undertake this work? ”

THE HON. DR. T. S. S. RAJAN:—“ This is a hypothetical question which does not require an answer.”

UNSTARRED QUESTIONS.

Export value of tobacco trade in the Presidency.

36 Q.—SRI B. NARAYANASWAMI NAYUDU: Will the Hon. the Minister for Industries and Labour be pleased to state what the total export value of the tobacco trade is for the Madras Presidency as a whole and for each district in particular; and what expenses the Government incur upon tobacco in the matter of production, sale and otherwise?

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A.—Tobacco exported by rail and sea to foreign countries as well as to other parts of India during 1937–38 has been valued as follows:—

	CRORES OF RS.		
Unmanufactured tobacco	...	...	2.38
Manufactured tobacco	...	...	0.53
Total	...	...	2.91

More than 70 per cent of the trade in unmanufactured tobacco is confined to the Guntur district, and the rest of the trade is accounted for mainly by the districts of East and West Godavari, Coimbatore, Trichinopoly, Madura, Salem and South Arcot. It is impossible to give even an approximate estimate of expenditure incurred on this specific commodity. The activities of the several departments of Government affect this commodity. Mention may however be made of a few specific items of expenditure such as the running by the Government of India of an agricultural sub-station for tobacco research at Guntur. The Provincial Agricultural Research Station at the same place is engaged on the work of evolving and distributing improved tobacco types: lastly, to help the development of the trade in cigarette tobacco, the marketing section of the Government of India has provided a subsidy of Rs. 1,500 in the first year for the Indian Tobacco Association, Guntur.

Certain improvements to Wenlock and Lady Goschen Hospitals at Mangalore and proposal, if any, for opening clinics for tuberculosis patients.

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

(a) what defects have been found in the buildings and water-supply in the Wenlock Hospital for Men and the Lady Goschen Hospital for Women at Mangalore;

(b) what measures are proposed and sanctioned for the necessary improvements therein and at what cost;

(c) what measures are contemplated and sanctioned as to clinics for out-patients and for accommodation and treatment of in-patients suffering from tuberculosis in the Lady Goschen Hospital for Women;

(d) how many women patients were admitted for treatment as in-patients for tuberculosis in the same hospital as well as in the Wenlock Hospital in 1937–38 respectively; and

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(e) how many out-patients suffering from tuberculosis were treated in both the hospitals in 1937-38?

A.—(a) The main defects that have been noticed in the buildings of the Wenlock Hospital for men at Mangalore are that the accommodation in the out-patient block is inadequate, that the kitchen and the latrines are of the old type and that the water-supply not only becomes scarce in summer but also its present distribution is not made through pipes. The defects that have been noticed in the buildings of the Lady Goschen Hospital are that the store room is not large enough to keep all the drugs, instruments, etc., that the latrines are of the old type and that the water-supply not only becomes insufficient but it is not also distributed through pipes.

(b) Plans and estimates for the urgent improvements necessary have been prepared; but the Surgeon-General has deferred their consideration on account of financial stringency.

(c) Proposals for the treatment of in-patients suffering from tuberculosis will be considered as part of a general scheme for the treatment of tuberculosis for the whole Presidency. As regards clinics for out-patients, the Surgeon-General has called for necessary plans and estimates.

(d) Eighty-six women were admitted during 1937-38 as in-patients for treatment of tuberculosis in the Lady Goschen Hospital. Female patients are not admitted in the Wenlock Hospital except mental cases sent for observation. No female in-patients were treated in this hospital for tuberculosis.

(e) Five hundred and sixty-four out-patients were treated for tuberculosis in both the hospitals.

Conferences for Collectors and grants made in respect of those conferences.

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

(a) what the various objects are for which the periodical conferences of the Collectors and heads of departments of the districts in this Province are held;

(b) what the various funds are that are placed at the disposal of the conferences for the several schemes;

(c) what amounts were provided for the several schemes in each of the districts for the year 1938-39;

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(d) whether the Government have ascertained and found that the grants were adequate for the purposes in view;

(e) if comparatively, having regard to area and population of any of the districts, the grants were low—what the reasons were therefor; and

(f) whether the Government have received reports as to the progress and utility of the conferences and what reforms have been sought and contemplated?

A.—(a) The object of the periodical conferences is to advise the Collectors on all matters of general importance appertaining to the welfare and administration of the respective districts.

(b) to (e) No funds have been placed at the disposal of the conferences. But funds as specified in the appendix^a have been placed at the disposal of District Collectors out of the Government of India Rural Reconstruction grant and it is open to them to consult these conferences in the matter of expending the grants. The grants must be spent out within a period of three to five years. The objects on which the funds have to be spent have been explained to the Collectors. The distribution of grants has been made on a rural population basis. Special grants are also given to finance any special schemes reported by the Collectors.

(f) Yes; the Government receive copies of proceedings of the conferences and a quarterly review of the work done by them. Suggestions and proposals made at these conferences are examined by the Collectors and appropriate action is taken.

Particulars as to quantity, purpose, etc., of several kinds of liquors exempted from the operation of the Madras Prohibition Act.

39 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to place before the House a statement showing the various liquors exempted, licensed and permitted under sections 18, 19 and 20 of the Madras Prohibition Act, the bodies or persons so privileged with the quantities of the liquors allowed and the purposes wherefor, in the Salem district for the six months ending 31st March 1938 and the six months ending 30th September 1938?

A.—The detailed information asked for is not collected in the usual course of administration and it would involve

^a Printed as Appendix IV on page 59 infra.

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considerable time and labour to collect it. The Government do not consider that in the circumstances they would be justified in calling for the information and publishing names of permit-holders. The general position is as follows. Spirit in medicinal preparations, culinary, aerated water and other flavouring essences, extracts and colourings and perfumes and toilet preparations has been exempted from the provisions of the Madras Prohibition Act, subject to certain conditions. Licences for the possession, import, transport, sale and use of denatured spirit, methylated spirit and rectified spirit, licences for the sale, possession and use of brandy and medicated wines for medicinal purposes, licences for the manufacture, consumption and sale of sweet toddy and authorities for the possession and use of sacramental wine have been issued to various persons and institutions in accordance with the rules framed under the Act. Eighty-four individuals and two clubs have also been given permits and licences for the consumption and possession of bottled foreign liquor.

Subsidy to handloom industry.

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

(a) what the amount placed by the Central Government at the disposal of the Provincial Government is for subsidy to the handloom industry of the Province since 1935 and for what period it has been assured;

(b) what the plan of Government is for spending it;

(c) what the provincial agency is through which the distribution is made and subject to what conditions;

(d) what the number of primary co-operative weavers societies is to which subsidies and loans are given under the scheme in each district;

(e) which such co-operative societies are in South Kanara which are selected for subsidies and loans, from which dates and to what extent;

(f) whether the South Kanara District Handloom Weavers District Co-operative Society, Limited, applied for cash credit and subsidy and if so, how far supported by the authorities of Co-operative and Industries department; and

(g) whether the applications have been complied with or refused and, if refused, on what grounds?

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A.—(a) The amounts placed at the disposal of this Government from 1934–35 to 1938–39 are as follows:—

	Rs.
1934–35	26,500
1935–36	59,500
1936–37	68,800
1937–38	68,800
1938–39	68,800

The grant was assured for a period of five years from 1st November 1934.

(b) & (c) The attention of the Hon'ble Member is invited to G.O. No. 368, Development, dated 8th March 1935, which has been placed at the disposal of the Press. The Government order has also been placed in the Library of the Legislature.

(d) A statement^a furnishing the information is appended.

(e) The following societies in the South Kanara district have been given subsidies and loans:—

Names of societies.	Date from which subsidy is given.	Amount of subsidy per mensem.	Loans disbursed by Provincial Society till 30th June 1938.	
			Yarn loans.	Cash credit loans.
		RS.	RS.	RS.
1 Nileshwar weavers' society.	11th November 1936.	17	500	300
2 Ujre weavers' society.	2nd March 1938.	16	150	80
3 Kasaragod weavers' society.	After 30th June 1938.	16	200	70
4 Perla Satyanarayana.	Do.	16	100	100

(f) The answer is in the affirmative. Applications for loan or subsidy do not pass through the Registrar of Co-operative Societies or the Director of Industries and Commerce.

(g) Only primary weavers' societies are eligible for subsidies. The resources of the Provincial Society are not sufficiently large to meet even the demand for loans from the primary societies. As this society is a "central society," with a few primary societies affiliated to it, its application for loan had to be refused. It was, however, advised to apply for assistance to the South Kanara District Co-operative Bank, Limited.

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

III.—MOTION *RE* ORDER OF BUSINESS UNDER RULE 15 (3) OF THE MADRAS LEGISLATIVE COUNCIL RULES.

11-30
a.m.

* THE HON. DR. T. S. S. RAJAN:—"Sir, I move—

'that the order of business of the Council as arranged in the list of business be revised slightly.'

"I want the House to accept the motion. The debate on the Report of the Madras Estates Land Act Committee is still continuing in the other House. Since we have got a lot of other legislative business to be got through here, I thought I could suggest to this House that they may be pleased to take up all the subjects in the order mentioned in the Agenda except the discussion of the Madras Estates Land Act Committee Report. First of all, I would suggest that item (1) under 'III—Bills' be taken up, viz., the Madras Registration of Births and Deaths (Amendment) Bill, 1939."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I know how long the sitting is likely to take place to-day?"

MR. PRESIDENT:—"As usual till 1 p.m. or at the most till 1-15 p.m."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I have no objection, but with regard to the other business, viz., the Public Health Bill, I think it should not be taken up to-day."

* THE HON. DR. T. S. S. RAJAN:—"I do not see any reason why it should not be taken up to-day, Sir. We have circulated the Bill and we have given timely intimation of it to the members here. We shall get on with the other subjects as they are mentioned in the agenda, and as soon as item 'III—Bills' is over, we shall take up the discussion of the Madras Estates Land Act Committee Report."

* KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR:—"I want to know how long the Council will continue to sit, because one of the most important festivals of the Muhammadans, the Bakird, is falling on the 31st January in the mufassal. So members may be anxious to go back to their homes."

* THE HON. DR. T. S. S. RAJAN:—"Sir, the duration of the sitting of the Council depends mostly upon the House, and I do not know how far we can give any assurance in regard to that, at any rate, on behalf of the Government; because we are in the hands of the House and the House must decide as to the procedure to be followed. And if hon. Members so desire, as the hon. Member has expressed just now, I suppose the House could accommodate him and try to get through the business as early as possible, but nobody can say anything definite on that point."

The motion was then put and carried and item No. (1) under 'III—Bills' was taken up.

[27th January 1939]

IV.—GOVERNMENT BILLS.

- (1) THE MADRAS REGISTRATION OF BIRTHS AND DEATHS (AMENDMENT) BILL, 1939 (L.A. BILL NO. 1 OF 1939), AS PASSED BY THE ASSEMBLY.

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

'that the Bill to amend the Madras Registration of Births and Deaths Act, 1899 for a certain purpose (L.A. Bill No. 1 of 1939) as passed by the Legislative Assembly, be taken into consideration at once.'*

"Sir, there is nothing very much to say in explanation of the amendment that is now tabled and which is in the hands of hon. Members here. The Registration of Births and Deaths Act of 1899 contains a provision that in cases of lapse or offence against that Act, the sanction to prosecute has got to be obtained from the Tahsildar of the revenue division. That is as it stands. But it so happens that in the Revenue department not only Tahsildars but also Deputy Tahsildars are in charge of revenue taluks, particularly in zamindari areas where there are fewer Tahsildars and more Deputy Tahsildars. Therefore, in order to facilitate easy transaction of legal work and procedure, it has been found necessary that the power which is now given to the Tahsildar should be extended also to the Deputy Tahsildars. It is only a very small amendment, not of much consequence; but still as legislative sanction to the change is necessary, it has been brought forward. It has been accepted and passed by the Lower House, and now I place it before this House for consideration."

DR. SIR K. V. REDDI NAYUDU:—"Mr. President, I have no objection to it at all; but I should like to know from the Hon. the Minister whether the jurisdiction of the Deputy Tahsildar will be confined to the area now under his jurisdiction, or whether he will be able to receive complaints and sanction prosecutions in regard to persons who commit offences in areas outside the taluk under his jurisdiction."

* THE HON. DR. T. S. S. RAJAN:—"That will be only in the area under his jurisdiction, Sir."

The motion that the Bill be taken into consideration was put and carried.

MR. PRESIDENT:—"I shall now put the clauses of the Bill to the House."

Clauses 2 and 1 and the preamble were then put and carried.

THE HON. DR. T. S. S. RAJAN:—"Sir, I move—

'that the Bill be passed into law.'"

The motion was put and carried, and Bill was passed into law.

[27th January 1939]

(2) THE MADRAS REVENUE RECOVERY (AMENDMENT) BILL, 1939
(L.A. BILL NO. 2 OF 1939), AS PASSED BY THE ASSEMBLY.

THE HON. SRI T. PRAKASAM:—"Sir, I move—

'that the Bill a further to amend the Madras Revenue Recovery Act, 1864, for a certain purpose (L.A. Bill No. 2 of 1939), as passed by the Legislative Assembly, be taken into consideration at once.'

"I may say, Sir, that under section 52 of the Madras Revenue Recovery Act, 1864, power has been given to the Government already to collect all advances made for cultivation or other purposes connected with the revenue, and 'all fees or other dues payable by any person to or on behalf of the village servants,' etc. Now, the Government have to recover some money as rents on leases given by the Government to parties, as in the case of lanka lands. And when there is default in payment, and when the property is brought to sale and the money has to be realized, it is not clear that the amount could be realized as arrears of land revenue. It is only with a view to make it clear in such cases that this amendment of the Act has been brought before the House."

SRI B. NARAYANASWAMI NAYUDU:—"Mr. President, it is really difficult for me to understand the implications of this Bill, which has been brought forward. What is necessary to enable the Government to recover arrears of revenue is put down in section 52 of the Act. Arrears of revenue, as all members of the House know, have been fixed under the settlement proceedings; and each land or each patta has got a certain amount due; and therefore, there is no dispute at all as to the amount due. The only question then is: how to recover it? The Hon. the Revenue Minister wants to introduce a provision that all dues in consequence of breaches of contract also should be similarly collected. Is it the intention of the Legislature that wherever the Secretary of State is a party, whatever might be the amount due, the Government should recover the amount by bringing the property to sale, taking it out of the house and putting it in the street? I can understand such a course in the case of arrears of revenue, which is a particular demand, which is a definite sum at the rate of so much per year. Reference has been made to lanka lands; in such cases, what is the rent in arrears? The intention seems to be to include under section 52 all claims including compensation for damage to be assessed. Are the Government going to assess it according to their sweet will and pleasure; and is the amount to be recovered by summary proceedings under the Revenue Recovery Act? I do not know the real purpose of this amendment. Suppose, for instance, the Government let out on contract some work of electric installation on a building erected on Government land and there is a breach of contract; is the amount due to the Government

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under such breach of contract to be brought under the Revenue Recovery Act, or should it go to the ordinary civil courts for purposes of recovery? Sir, the explanation of the Hon. the Revenue Minister as to the real scope of the Bill is not satisfactory, and it looks to me extraordinary that this amendment should be attempted at all."

* THE HON. SRI T. PRAKASAM:—"Sir, under section 52 power was taken by the Government to recover moneys advanced to the ryots for cultivation purposes or other purposes connected with the revenue, and also to recover 'all fees or other dues payable by any person to or on behalf of the village servants employed in revenue or police duties, and all cesses lawfully imposed upon land' as if they were arrears of land revenue, 'unless the recovery thereof shall have been or may hereafter be otherwise specially provided for.' That is what we find already in section 52 of the Act. The hon. Member, Mr. Narayanaswami Nayudu, asks whether if there is a contract and if there is a breach of that contract, the new provision will apply to such cases. Apparently, the hon. Member, when he was advancing that argument, was under a misapprehension that it was only the land revenue as such that the Government were recovering under the Revenue Recovery Act. Section 52 already provides for other cases also, which I have just now read out from the section. What is now sought to be done is to extend that to other cases where the relationship is directly between the Government and the persons concerned. The hon. Member was asking: 'Does it apply to cases in which the Secretary of State would be a party?' Perhaps the hon. Member is under a mistaken impression as regards the rights of the Secretary of State in the land under the new Constitution. Sir, 11-45 there was a time when the land was vested in the Secretary of State. Under the present Constitution, that has been divested and it is now vested in the Provincial Government. So, there is no question of any land continuing to vest in the Secretary of State; and no difficulty will arise on that score. There is therefore nothing extraordinary in this provision. If there was a contract in a case in which money was advanced for cultivation or other such purposes, and if there has been a breach, this section will operate. It is a formal matter so far as the Government are concerned, and the Government are not asking for anything which will come into conflict with the powers of the Secretary of State."

DR. SRI K. V. REDDI NAYDUU:—"Sir, since the scope of the Bill is not stated clearly, I would like to have some more information from the Hon. the Revenue Minister. The language used in this clause is very general, for it refers to all sums due to the Provincial Government including compensation for any loss or breach sustained by them in consequence of a breach of contract. Supposing for instance, the Government enter into a contract with a contractor for digging a channel—the Public

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Works Department will of course enter into a contract—and the man fails to perform his part of the contract; are we to understand that any damages which the Government might have suffered on that account could be recovered as land revenue? If so, will not the ordinary civil rights of the citizen be taken away and an arbitrary power vested in the hands of the Government? And, who is to decide what the damage is? Very often we go to courts to let us know what the damage is, who the party is that should pay it and the amount of the damage, or even, in fact, the very question as to who is liable at all to pay the damage. When these questions are involved, am I to understand that this law will invest the Government with power to recover what they consider to be damages from the person who is breaking the contract? And, who will be the judge to the disputes between the Government and the party concerned? The Government will have to be the judge, they will decide that there was a breach, they will decide what the damages for the breach were and then decide to recover it in the manner in which they recover land revenue. If this is the meaning, Sir, certainly this provision is objectionable.”

* THE HON. SRI T. PRAKASAM:—“Sir, when the Government enter into an agreement with the ryot to whom the money is advanced for his agricultural purposes, there is a contract and it was to recover such moneys when there was a breach, that power had already been given. There can be no difference between a case in which the Government advanced moneys for cultivation expenses under a definite agreement and a case in which the Government leased certain lands, such as lanka lands, to ryots. The contract is there. Therefore, there is nothing very extraordinary in the claim made now that the Government should be given the power to realize the moneys that would be due from the lessees under the leases by the process that is prescribed for the recovery of land revenue. There has not been any general or special complaint hitherto that in such cases the Government are doing anything wrong to the detriment of the opposite party concerned in the matter. There is a limit to cases, but in all matters relating to land, whether they come under the strict definition of land revenue or not, the Government should certainly have the power to recover the moneys under the Revenue Recovery Act. The Government should not be driven to the civil court when there is a lease deed executed by a person agreeing to pay the amount prescribed therein within a particular time; and when there is a default, is it right that the Government should be asked to go to a civil court and establish their case, obtain a decree and then apply for execution for realizing the amount? Certainly not. It is a perfectly legitimate power which is sought to be included in the section. This Bill refers only to contracts that were entered into by the parties perfectly knowing the position and the terms. So, this is not a case which should be looked at in the manner in which the hon. Sir

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K. V. Reddi Nayudu is looking at it. It is not a case which should be called a contract where, if there is a breach, there would be a fight in a civil court with regard to compensation or damages. These are cases which are connected with the land revenue and so in such cases nobody should think that the Government have been exercising their powers in any unjust manner. So far as revenue is concerned, although it is not to be on the basis of contract, the relationship is defined, the amount is defined and time is given. In the same manner, in other cases in which it would not be strictly land revenue, but it would be rent, power should be given to Government. Nobody need fear that the Government would be a party in the first place and then the judge, then the executive authority or any such thing. There must be some special facility given to the Government in matters like that, especially when individuals seek to enter into special agreements with the Government to get special facilities and special amenities. So, there is nothing to which any objection may be taken.”

The motion that the Bill be taken into consideration was put and carried.

SRI B. NARAYANASWAMI NAYUDU:—“Sir, a straight question was put from this side and no straight answer was given to it. The question that was put was: ‘Suppose there was a contract with a contractor with regard to the excavation of a canal and he fails to execute the work. What are the Government going to do in such a case? Are they to sue him in a court of law?’ The second question that was put was, apart from all claims to damages for breach of contract, ‘supposing the contractor dug more than the required length of the canal, are you going to mulct the extra cost from the contractor and then recover it as land revenue?’ Of course, I am not confusing myself with regard to the Provincial Government or the Secretary of State, and everybody knows that the Secretary of State has disappeared from the scene and now the Provincial Government has got the power under Provincial Autonomy. I am perfectly aware of that and I am not disputing it for a moment. But the real question is—you want to be the judge in regard to everything and you are merely ignoring the fundamental question put forward—‘Are you claiming with regard to contracts, the same rights that you have been armed with with regard to the realization of dues?’ Of course, ‘dues’ is a definite thing. The only question is in regard to execution. The question has been straightly put and we want a straight answer.”

* SRI P. PEDDI RAJU:—“Mr. President, the Hon. the Revenue Minister referred to the experience of the Government regarding realization of rents on lanka lands. When he referred to lanka lands, he had probably in mind the case of the East Godavari district where arrears are due in respect of lanka lands, where lands given on leases to pattadars and other lands were sold in

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public auction and arrears recovered as arrears of land revenue. There was a case in which a land was previously mortgaged to some other creditor, the pattadar purposely evaded payment of the lease amount by colluding with the revenue officers and got the property sold to some other person and a suit was pending in respect of the matter. The Government have no power to attach or sell his other lands in respect of the breach; similar cases may also come. Of course, neither hon. Members of this House nor the Legislature will be willing to drive the Government to court. But the real question is whether some of the ryots will not collude with the revenue officers and get their property sold for a song in order to deprive creditors or other mortgagors for personal interest. So, if the provision which is sought to be introduced is in regard to damages for breach of contract, if it is in regard to an ascertained sum and if the amount is really due, I do not think there will be objection to it. But, as my hon. Friend, Mr. Narayaswami Nayudu, pointed out, the whole difficulty seems to be that the sum is not ascertained; because, when you say damages for breach of contract it is always an unascertained sum. Further, Sir, as the hon. Sir K. V. Reddi Nayudu pointed out, in respect of default a levy of Rs. 100 or Rs. 150 may be made, because the sum is not ascertained. There is of course some force in that contention. Otherwise, some difficulty will be caused. The House would therefore like to be enlightened whether provision for damages for breach of contract will cover ascertained or unascertained sum with reference to a particular property or some other property to be sold."

12 noon. DR. SIR K. V. REDDI NAYUDU:—"Perhaps, Mr. President, I was not very clear in my first speech when I raised this question. It seems to me that the words 'or sums due to the Provincial Government' are rather too wide. I am not aware of any provision in this Act which limits the words 'sums due to the Provincial Government.' If that is not so, the words are so wide that they might include not only sums due from land in whatever shape it might be, but they might also include everything for which the Government may lay claim. As I submitted, we shall take the case of a contractor who has agreed to dig a channel for a certain sum of money and has received a certain sum of money as an advance. The difficulty that comes in is this. It would be open to the Government to say, 'The clause includes sums due to the Government; therefore this is also a sum due to the Government.' That is my difficulty. If there is something in the Act elsewhere to limit the operation of it to sums due to the Government which can be said to be either land revenue completely, or any other in the nature of it, there will not be any difficulty. If the words in the section are so wide as they are proposed, the courts would have to act on the wording of the sections and much difficulty would be caused. This is the difficulty that I want to point out to the Hon. Minister."

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* MR. J. A. SALDANHA:—"Mr. President, in view of the rather slipshod explanation offered by the Hon. the Minister, we should not hesitate to oppose the Bill altogether. Though I had not studied the Bill, the difficulty pointed out by my hon. Friend Sir K. V. Reddi Nayudu makes me wonder how such a Bill as this has passed unscathed through the Lower House where members are expected to subject legislation to a close scrutiny. Be that as it may, it would be a serious encroachment on the liberty of the subjects. This Bill, if it becomes law, will be a very powerful weapon in the hands of the lower revenue officials for harassing the people. If there is a breach of contract they will immediately fly up and say, 'Here is a sum due to the Government and you will have to pay it.' They will move the Collector for the recovery of the money; and the Collector possessing the power to order the recovery as if it were one of arrears of revenue, the recovery will be effected and the poor man will be put to a lot of suffering. I am afraid that the way of dealing with such an important question by the Hon. the Revenue Minister is unsatisfactory and his explanation was not at all convincing. For these reasons I oppose the Bill. I would also suggest to the Government to so amend the provisions that it does not have the objectionable features. It is a very serious difficulty that has been pointed out by my hon. Friend, Sir K. V. Reddi Nayudu and I hope the Hon. the Revenue Minister will bring in the necessary amendments to make it acceptable."

* MR. S. J. GONSALVES:—"Mr. President, under this Bill it seems to me that the powers that the Government wish to take are rather wide. The House is aware that the Government have got a very easy and expeditious method of collecting revenue. But when there is an action as between the Government and a private party in a matter other than revenue, that action must be decided by a competent tribunal. Under this Bill with the expression 'all sums due to the Government,' all sums due to the Government, in whatever manner they become due, will be collectable by the Government as though they were arrears of revenue. So, hereafter if there is any dispute between the Government and private parties, it will not be necessary for the Government to go to the civil court and whatever is due to the Government will be recoverable without resort to a court. It is very wide. I submit that this is a very serious matter and will seriously curtail the rights of the subjects. I would suggest that the point raised by Dr. Reddi be seriously and carefully considered by the Government. I suggest that the expression used in the Bill be circumscribed and limited to matters concerning revenue only. Otherwise, this Bill will impose a very serious hardship upon a number of citizens."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Mr. President, I am afraid that hon. Members have gone altogether on a

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scare. Hon. Members must remember that this is an amendment to section 52 of the Madras Revenue Recovery Act. The other sections are there. This is an amendment to a particular section. That section reads thus:—

‘All arrears of revenue other than land revenue due to Government, all advances made by Government for cultivation or other purposes connected with the revenue and all fees or other dues payable by any person to or on behalf of the village servants employed in revenue or police duties, and all cesses lawfully imposed upon land may be recovered in the same manner as arrears of land revenue under the provisions of this Act, unless the recovery thereof shall have been or may hereafter be otherwise specially provided for.’

This is the existing provision. There are also cases where it is not land revenue but land has been leased out. All these leases and contracts and documents of that kind are executed by persons who know the law as it now stands. Hitherto the practice has been to enter in the terms of the contract itself a provision that the rent due to the Government may be recovered as revenue due to Government. That is not proper. The mere contract cannot give a process in law. By adding the words ‘or anything that arises out of a contract also’ we are only providing for this kind of difficulty. Supposing according to the terms of a lease, the lease term is for two years and supposing the lessee stays beyond that period. In that case, it is not a rent but damage according to law and that is why the words ‘arising out of a contract’ are also included. It is not proposed to deal with anything in the nature of a tort. It arises out of a contract when a man enters into it knowing the law.

“Further there is another overriding provision in the same enactment. That is section 59, which says:—

‘Nothing contained in this Act shall be held to prevent parties deeming themselves aggrieved by any proceeding under this Act except as hereinbefore provided, for applying to the civil courts for redress; provided that civil courts shall not take cognizance of any suit instituted by such parties for any such cause of action, unless such suit shall be instituted within six months from the time at which the cause of action arose.’

Therefore no right, either private or public, has been removed. Only an easy process is provided for executing an engagement which is entered into between the Government and a third party. There is nothing horrible that is proposed by amending the section 52. Further, there is also section 59 which provides for redress to aggrieved parties by going to the civil court within the time prescribed. The only purpose for which this power has been taken is to deal with people who have been granted leases and who, knowing the law on the subject, keep on beyond the period of the lease, in which case the amounts due to Government will become a damage; and for the recovery of this he will have to be proceeded against in a civil court and such others.”

DR. SIR K. V. REDDI NAYUDU:—“I should like just to say a word in explanation. There is no one I take it who would

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object to the Government having the right to recover their dues which can be said to be either land revenue or anything allied to it, or in the nature of it. The section quoted by the Hon. the Premier no doubt gives the right to the ryot or to the aggrieved person to go to court for redress. But I fear it would only be after his properties have been sold in auction for damages. I would therefore suggest that there should be something in the section which limits the operation of this section to what may be called *ejus dem generis*, or, in other words, such other dues which are of the same kind as, or in the nature of, land revenue. That is the difficulty with regard to this. The section as at present worded is very wide and even the ordinary contracts would be brought within its scope, not merely the contracts which the Hon. the Premier has instanced to the House. Let it be limited to the doctrine of *ejus dem generis* and let the words ‘or such other or similar dues’ be there.”

* THE HON. SRI T. PRAKASAM:—“Mr. President, an hon. Member stated that he did not go through the Bill and yet he was not satisfied with the explanation given by me in its support. It is the privilege of hon. Members to criticize the Government even if it be with scanty materials on hand. There is no quarrel about that.

“Let us now see whether there is any difficulty arising out of this as pointed out by my hon. Friend Dr. Reddi. His fear was that the section, if amended, might be extended to all cases that would not relate to anything like the Government lands. As has been explained by the Hon. the Premier, this is an amendment to Madras Revenue Recovery Act of 1864; and the section sought to be amended has also been read out by me more than once. We have to examine and see what the scope of the Act is, what the scope of the section is and what the scope of the amendment now before the House is, and find out whether by means of this Bill which is intended to be an amendment of the Revenue Recovery Act, anything else is contemplated which may come under the Contract Act or the Transfer of Property Act or some other Act. The attitude of hon. Members opposite is not the attitude which we have to adopt when we deal with legislation. The section proposed to be amended lays down that there are other dues to the Government which may be recoverable as land revenue, for instance, dues by the cultivators on account of refund of advances. They have executed bonds for those amounts and there are terms therein which are all that are sought to be enforced by means of this amending legislation. Government must not be going to the civil courts for the recovery of sums due according to the terms of the contract. Similar also the case with regard to lease granted to lanka lands. The question is whether, when the conditions specified and the amount specified have not been kept up, and when the Government want to recover the moneys due to

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12-15 P.M. them under that contract, the Government are not to be given the right to ask for a provision like this. It will not be proper for anybody to imagine that what is sought to be introduced as an amendment to section 52 of the Act, is intended to be applicable to some other Act or some other provision altogether which is not connected with this subject. So there is no fear that the words 'and all sums due to the Provincial Government including compensation for any loss or damage sustained by them in consequence of a breach of contract' will be misconstrued, and that they will be applied to cases which do not come under the Revenue Recovery Act."

DR. SIR K. V. REDDI NAYUDU:—"I never said that. I only said that it should be restricted to land revenue and allied things."

* MR. J. A. SALDANHA:—"On a point of personal explanation, Sir, it is true I used the word 'slipshod.' But I fail to see why the Government should be so obstinate in this matter; why not they use other words to make the meaning clear? Here are three persons experienced in law and myself a retired Judge (laughter) who are not satisfied with the wording of the clause."

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

* THE HON. SRI T. PRAKASAM:—"I beg to move, Sir—
'that the Bill be passed into law.'"

SRI B. NARAYANASWAMI NAYUDU:—"Mr. President, in spite of the explanations offered I do not feel satisfied and I want to protest against the interpretation put upon the clause in the Bill. The Government seem to forget that the interpretation of the Bill will come up not before them but before the courts. It is for the courts to interpret sections in the Act. However much Government may say about their intention with regard to the provision in the Bill, I challenge the Government to say whether their provision does not cover cases of building contracts, coal contracts, etc. The words 'all sums due' denote that whenever there is anything due to Government, whether it is disputed or undisputed, Government will have the power to take action direct without the intervention of the court to attach the property of the defaulter and put him in the street. The hon. the Premier says, 'You have section 59.' If you go to the civil court, it will say, 'All sums recoverable here will come under the Revenue Recovery Act, and so we have no jurisdiction.' The Bill is ill-advised and ill-conceived and if after all that has been said, you are going to pass it into law . . ."

THE HON. SRI C. RAJAGOPALACHARIAR:—"You will see it is 'all sums due under a contract. . .'"

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SRI B. NARAYANASWAMI NAYUDU:—"There is nothing to that effect. The only thing approaching to that is 'all sums due to the Government arising out of a breach of contract.' It looks as if, simply because you have the numbers, you have got the power and you have the mind to do this, you are rushing with this Bill."

* S. K. AUMED MEERAN SAHIB BAHADUR:—"Sir, it is really a pity that there should be a controversy over this legislation and that the Government do not find it necessary to make their meaning clear. Of course, hon. Members of the House may accept the explanation given as regards the scope and nature of the amendment. But it is a well-known principle that in interpreting statutes, speeches made on the floor of the Legislature or what is stated in the Statement of Objects and Reasons ought not to be stated as authority in a court of law. Courts are bound by the actual words of the statute, and they cannot look outside the four corners of the Act for the meaning of the sections. Whatever the Hon. the Revenue Minister intended to convey, or in what way he wanted to restrict the scope of Bill, cannot be taken note of by the court. So whenever an occasion arises with regard to the interpretation of the statute, they will go merely by the grammatical meaning of the expressions used in the sections. I hope the Hon. the Revenue Minister will agree with me when I say so. When we view the question from that point of view, what are the words that we find in the clause? They are 'all cesses lawfully imposed upon land and all sums due to the Provincial Government.' My submission is, however much the Hon. the Revenue Minister may say, the subsequent words 'including compensation for any loss or damage sustained by them in consequence of a breach of contract' make the case worse, whereas the other side contend that these words restrict the scope of the Bill. What is stated there is 'all sums due to the Provincial Government including compensation for any loss, etc.' The words beginning with 'including' etc., is only by way of an example. It only illustrates the foregoing words; therefore, there are certain things outside the scope of the provisions. It means there are many things outside it. And I daresay all courts will interpret only in this way. I do not know whether anybody will dispute that proposition as regards interpretation. So it is better the Government do not press the motion but put certain words more to make their meaning clear or restrict the scope of the provision."

* THE HON. SRI T. PRAKASAM:—"Sir, the words that are causing trouble to some of the hon. Members are these: 'all sums due to the Provincial Government, including compensation for any loss or damage sustained by them in consequence of a breach of contract.'"

[Sri T. Prakasam] [27th January 1939]

"Sir, I shall now cite to the hon. Members a case 'under section 52 as the law stands to-day. All arrears of revenue other than land revenue due to the Government, all advances made by the Government for cultivation or other purposes connected with revenue, etc., may be recovered in the same manner as arrears of land revenue. I will take the case of advances made for cultivation purposes. There is a bond taken for money given. A time is mentioned in the bond, that is, there is a clause in the bond that the amount should be returned to the Government within a particular time, and then there is a clause that, if this money is not returned by such and such a date, a certain amount will have to be paid by way of damage in case of default. It is provided already with regard to such cases. We are now extending the scope of it by using the words more expressly. The words that I have just now used to explain the contract with regard to cultivation expenses are already covered by the clause in section 52. What is stated now is only to make it clear that it applies to all sums due to the Provincial Government including compensation for any loss or damage sustained by them in consequence of a breach of contract. It should not be construed as if all such losses should be recovered only under the Rent Recovery Act and not under any other Act. What is done here is simply to express in so many words what we are entitled under section 52. It is not created there for the first time. Everything is there already; and what is contained is simply expressed in words. So I do not see any difficulty arising out of this. Mr. Narayanaswami Nayudu asked: 'Will it apply to contracts for digging?' Everything relating to a contract with Government comes under this. When the contractor binds himself to pay under this clause, why should the Government go to a civil court? If there is any irregularity, there is section 59. But Mr. Narayanaswami Nayudu says that that section will not give him relief. Then, I ask what will give him relief? It should not be construed as if the Government are attempting to make any profit out of these transactions. When they want power in such cases, it is only to facilitate cases in which they can enter into contract with private persons. It is quite open to private parties to withdraw from contracts. When under the contract the contractor binds himself to pay under section 52, why should the Government be compelled to go to court first to recover the money in cases of default?"

12-30
p.m

"The Government are working after all in the interests of the people. There is nothing wrong if the Government bring some measure to change a certain procedure. Even when it is made, some time will be given for them to decide; otherwise, remedy can be secured by resort to courts. There is no difficulty. Everything is provided for. There is absolutely no reason for hon. Members to be afraid that these provisions are intended to harass people unnecessarily."

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DR. SRI K. V. REDDI NAYUDU:—"Mr. President, the Hon. Minister told us that we were exaggerating a small matter. Well, I can assure him, speaking not only for myself, but also for the others as I understood them, we are really giving expression to certain apprehensions we naturally and genuinely feel. It may be another matter if we are dunces and are not able to understand the view point suggested by the Hon. Minister. For that, we are not responsible. The Hon. Minister, at one stage, made us think—again it might be due to our duncery—that it is only applicable to cases of such contracts as in the lanka leases, where for failure of payment a certain amount of damage will have to be paid. But, in his answer to a question raised by my hon. Friend Mr. Narayanaswami Nayudu, the Hon. Minister has made it clear now that even in cases where a person has entered into a contract to dig a well, or it may be a tank, or it may be a canal or channel, the Government shall have this right of recovering the damages, because, the damages were not definitely ascertained and stated in the document or contract itself; therefore, the Government must be in a position to recover it without resort to courts. In fact, at a later stage, I may say at the end of the speech, he went to the extent of saying, 'Why should the Government go to a court in a matter like this?' Now, therefore, we are certain that our apprehensions are well-founded, and that is exactly where we objected. We do not want the Government to take any more rights into their own hands, if a Legislature is at their command, and thereby take away the civil liberties and rights of people, which they have been entrusted with. I have said already, in a case like this, the Government want to constitute themselves not merely as a party to a transaction between themselves and the people, but as judges, and the only method of relief allowed to the other party is by saying, 'You had better go to a court of law;' I want that this right of a citizen should be protected, before money is extracted. It may be by coercive processes, it may be by arresting the man; why should he surrender himself to these indignities of recovery of a sum which is capable of being easily repaid by him, the contractor? It practically comes to this. If a man enters into a contract with the Government and agrees to pay a certain sum, he cannot be protected against himself; whether on account of his foolishness or ignorance, or want of knowledge of law, if the person enters into a contract it may be injurious to him, and it could not protect him against himself. Why should this privilege be taken away from him? I clearly see now that our apprehensions are not exaggerated, for the Government are really making an attempt to secure more rights for themselves to the detriment of the rights of the people."

* SRI RAO BAHADUR M. RAMAN:—"Mr. President, after the eminent lawyers and judges have spoken, I am sorry I am not yet convinced. I do not see why the Hon. the Minister for Revenue

[Sri M. Raman] [27th January 1939]

has, as I expected, not made some correction in the provision here. I expected that he would make it to-day. From a layman's point of view, it is certainly a case requiring some more attention. The words used there are certainly capable of being misinterpreted by future judges, naturally of inferior order as their pay will be very little. As many lawyers here are just now disputing about the meaning of the words, I, a layman, do not know what to say of it. There are two sides here discussing the points and for my part, I am convinced that it is prestige that prevents the Government from putting in some word or other there and making it clear."

* THE HON. SRI T. PRAKASAM:—"The hon. Sir K. V. Reddi was telling us that their apprehensions were justified. So far as the Government are concerned, there is no desire to create any apprehensions in the minds of hon. Members, or to take up any unreasonable position and justify it. As I stated at the outset, this amendment relates to the Revenue Recovery Act and it relates to section 52 of the same Act. 'Contracts' have already been provided for in the section so far as they related to land. A provision has been made not merely to cases where the contract related to the land itself, but to cases where the contracts related even in a remote manner to advances to the cultivator to enable him to carry on his cultivation. Hon. Members may just pass awhile and see how that contract was not a contract relating to the land direct. It was indirectly connected with the land which would be cultivated by the cultivator and the money advanced to him. It could have been argued at that time, 'This should not be included in this section of the Revenue Recovery Act, because it has nothing to do with any contract on the part of the Government with the cultivator with reference to the Act. You are giving him as a loan some money to carry on his cultivation and you have made some provision to get back that money; then, why do you introduce it into section 52?' That is the argument that should have been advanced then, but even for such contracts, provision has been made there. All that is stated now is, that not only in matters relating to the contract with reference to a land—whether it is cultivable or not, it does not matter—but also in such cases as the rent due to Government under a lease of land executed by them it may be left to the Government to recover that money due to them as arrears of revenue. Of course I believe there are persons who justify a case, as if it is intended to apply to all other cases of a breach of contract between the Government and other parties; there is no such thing as that. This is a case which is more clear than the case of advancing money as a simple money transaction between the Government and the cultivator. The words referred to here . . ."

DR. SIR K. V. REDDI NAYUDU:—"With your permission, Sir, may I ask the Hon. Minister whether this is to apply

27th January 1939] [Sir K. V. Reddi Nayudu]

to a case of a contract for the building of a house with a Collector if in the contract a clause is provided for the recovery of money?"

* THE HON. SRI T. PRAKASAM:—"It will apply to all Government contracts, with reference to all Government business. When it is a Government land upon which the building is to be put up, the contract as entered into is there and the specific terms of the contract are there. What is the difficulty now? Of course, hon. Members think that some encroachment is being made upon the civil rights or some such thing. All that is provided for here is: If a person should take a very unreasonable attitude having entered into a contract with the Government, having stipulated a period to carry out the work, and if he did not carry out the work within the particular time, he should make good the loss to the Government to that extent. The only question for consideration is whether the Government should go first to a civil court to establish these things and have it hung up until the whole matter is settled, or whether the Government are competent to deal with the whole matter and do justice between the Government and the party and leave the party who may be dissatisfied with the result, finally to go to court and establish it. Which is the simpler course? That is the thing that is provided for here. I should like that this should extend to other contracts, contracts which have anything to do with the land belonging to Government. That is a different matter. We do not propose it. It does not come under the Revenue Recovery Act at all. I am requesting hon. Members to understand the explanation which I have placed before them. There is no object so far as the Government are concerned to encroach upon the rights of the people."

The motion that the Bill be passed into law was put and declared carried.

A poll was demanded and the House divided thus:—

Ayes.

- | | |
|--|-------------------------------------|
| 1 The Hon. Dr. T. S. S. Rajan. | 13 Sri T. A. Ramalingam Chettiyar. |
| 2 Sri B. Bheema Rao. | 14 " D. Sriramamurti. |
| 3 " K. Madhava Menon. | 15 " L. Subba Rao. |
| 4 " V. V. Jogayya Pantulu. | 16 " P. Veerabhadraswami. |
| 5 " R. Srinivasa Ayyangar. | 17 " K. P. Mallikarjunudu. |
| 6 " A. Rangaswami Ayyangar. | 18 " V. Venkatapunnayya. |
| 7 " N. Sankara Reddi. | 19 " C. Perumalswami Reddiyar. |
| 8 " S. A. S. Rm. Ramanatham Chettiyar. | 20 " N. Subba Raju. |
| 9 " M. Narayana Rao. | 21 " S. K. Satagopa Mudaliyar. |
| 10 " M. Narayana Menon. | 22 Sir Mahomed Usman Sahib Bahadur. |
| 11 " L. Subbarama Reddi. | 23 Sri D. Manjaya Hegde. |
| 12 " K. Venkataswami Nayudu. | |

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Noes.

1 Sri Rao Bahadur N. R. Samiappa Mudaliyar.	9 Mrs. Hensman.
2 „ Diwan Bahadur R. Srinivasan.	10 Dr. P. J. Thomas.
3 „ B. Narayanaswami Nayudu.	11 Sri Diwan Bahadur K. Daivasiga- mani Mudaliyar.
4 „ Rao Bahadur M. Ramakrishna Reddi.	12 Mr. D. M. Reid.
5 S. K. Ahmed Meeran Sahib Bahadur.	13 Mr. S. J. Gonsalves.
6 C. P. Mammam Keyi Sahib Bahadur.	14 Sri M. D. T. Kumaraswami Mudali- yar.
7 Syed Abdul Wahab Bhukhari Sahib Bahadur.	15 Dr. Sir K. V. Reddi Nayudu.
8 Sri Diwan Bahadur S. E. Runga- nathan.	16 Sri Rao Bahadur M. Raman.
	17 Mr. J. A. Saldanha.

Ayes 23.

Noes 17.

12-45
p.m.

The motion was carried and the Bill was passed into law.

*MR. J. A. SALDANHA:—“On a point of order, Sir may I enquire if we will have an afternoon sitting?”

MR. PRESIDENT:—“According to the rules of the Council we will have to sit till one o'clock.”

*RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“I beg your pardon, Sir, there is no rule. It is only a convention.”

MR. PRESIDENT:—“Yes. We have been observing it.”

(3) THE MADRAS PREVENTION OF ADULTERATION (AMENDMENT) BILL, 1939 (L.A. BILL NO. 3 OF 1939), AS PASSED BY THE ASSEMBLY.

THE HON. DR. T. S. S. RAJAN:—“I beg to move—

‘that the Bill further to amend the Madras Prevention of Adulteration Act, 1918, for a certain purpose (L.A. Bill No. 3 of 1939) as passed by the Legislative Assembly be taken into consideration at once.’

“I would like to draw the hon. Members' attention to the real point that is tried to be amended in this section. Prosecutions under the Prevention of Adulteration Act take a lot of time and have extended for three months. According to the present law, if a man offers defence of warranty with regard to prosecution, then the law lays down that action against a false warranty should be taken within three months. But what has happened? When the courts delay the conduct of the case beyond three months, the real offender who gives the false warranty to the dealer with regard to the stuff sold to him, escapes the law. So the present amendment is to allow the courts to operate against those warranties even after the lapse of three months. It is only to bring the accused to book once he has committed the offence. Three months have not been found to be sufficient. It is just to give that power that the Bill has been introduced.

* Printed as Appendix VIII on page 62 infra.

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The motion that the Bill be taken into consideration was put and carried.

Clauses 2 and 1 and the preamble were put and carried.

DR. SIR K. V. REDDI NAYUDU:—“Mr. President, with reference to these Bills, I want to bring to your notice the fact that the Statement of Objects and Reasons is not given. They might as well have been printed here. I do not raise any other point.”

THE HON. DR. T. S. S. RAJAN:—“It is not generally done in this House. The Statement of Objects and Reasons is published in the Gazette copies of which are sent to hon. Members. If hon. Members are particular, I will circulate the Bill as introduced in the Assembly.

“I now move—

‘that the Bill be passed into law.’”

The motion was put and carried and the Bill was passed into law.

(4) THE MADRAS ELEMENTARY EDUCATION (AMENDMENT) BILL, 1939 (L.A. BILL NO. 4 OF 1939), AS PASSED BY THE ASSEMBLY.

The Hon. Sri C. J. Varkey rose to make the motion.

*SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“On a point of order, Sir, I think he is not entitled to move it now. The Bill was placed on the table of the House only just now. Rule 102 says: ‘As soon as possible after a Bill which has been passed by the Assembly is received in the Council copies of the Bill shall be laid on the table at a meeting of the Council.’ It was validly placed on the table of the House only just now. Rule 103 says: ‘At any time after copies have been laid on the table in the case of a Government Bill, any Member acting on behalf of Government and in any other case, any Member may give notice of his intention to move that the Bill be taken into consideration.’ The Hon. the Education Minister is entitled to give notice only after 11 o'clock to-day. Unless the President otherwise directs no such motion shall be set down in the list of business for any day which is less than three days from the receipt of notice. Sir, I do not raise this point of order as a matter of dilatory motion or obstructive tactics. This is an important measure and by a stroke of the pen, the Government are going to abolish the Educational Councils. Let them do it. But let them give sufficient time to this House and hear what all the House has to say on this subject. Nobody can stand in the way. People shudder to think of the way in which laws are being made in this country. They characterize the legislation as hasty,

[Sri N. R. Saniappa Mudaliyar] [27th January 1939]

ill-considered and ill-worded and oftentimes without any principle. (A voice: Question.) I only quote the wording of an ex-High Court Judge who belongs to no party."

MR. PRESIDENT:—"Order, order. The hon. Member ought not to quote the opinion of somebody outside the House."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I stated that because the people criticize the Legislative enactments as such and to impress on the Government that it should not give room to others to characterize the legislation passed by this House with comments such as I quoted. I do not quote it for any other purpose, Sir. You being the custodian of the privileges of the House, I request you not to allow the Education Minister to move this to-day but to allow full three days' time. Moreover, Sir, we came prepared only to discuss the Estates Land Act Committee Report; we did not know that the order will be changed to-day and we have not come prepared to discuss this subject; we have not sent any amendment to this. I therefore request you at least to give time till to-morrow regarding this Education Bill."

* MR. D. M. REID:—"On a further point of order, Sir. May I know if there is any further re-arrangement of business for to-morrow?"

THE HON. DR. T. S. S. RAJAN:—"As far as Government business is concerned the order as it was altered this morning stands."

1 p.m. MR. PRESIDENT:—"May I suggest that, in view of the fact that it is nearing 1 o'clock, the Hon. Minister may make his motion to-morrow?"

SRI B. NARAYANASWAMI NAYUDU:—"I should also like to know whether the rules quoted by the hon. the Leader of the Opposition are found in the book or not. If these Bills are going to be introduced like this without sufficient notice, and if the President is going to allow it, then the rules may as well be scrapped. Coming to the motion before the House that this Bill may be taken up to-morrow, I submit that this ought not to be a matter for begging. The rule is there and we are entitled to three days' notice, unless the President for special reasons waives such notice. The Bill under discussion relates to a very controversial matter and so I submit there is no special reason for the President to depart from the usual procedure."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Is it the idea of hon. Members who object that, when the House meets, a copy of the Bill should be placed on the table and they should go on without doing any business for two or three days. If that is so, it would be very difficult. If members are communicated

27th January 1939] [Sri C. Rajagopalachariar]

with notices are sent to them three days prior to the date of the meeting, it is to be taken as good as the Bill being placed on the table of the House. I understand notice was sent to Members on the 22nd. I submit that it might be taken as equivalent to the Bill being placed on the table."

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

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

1. G.O. No. 2944, Development, dated 26th November 1938, confirming an amendment to Rule XVII (f) of the rules issued under the Madras Co-operative Societies Act, 1932.

2. G.O. No. 3016, Development, dated 5th December 1938, confirming an amendment to Rule XXIV of the rules issued under the Madras Co-operative Societies Act, 1932.

[27th January 1939]

APPENDIX I.

[Vide answer to starred question No. 133 asked by Sri Rao Bahadur M. Ramakrishna Reddi at the meeting of the Legislative Council held on the 27th January 1939, page 26 supra.]

Statement I.

Statement showing the production of rice and jaggery.

Year.	Production of	
	Rice.	Jaggery.
	TONS.	TONS.
1934-35	4,981,000*	278,450*
1935-36	4,741,000	298,660
1936-37	4,794,000	259,560
1937-38	4,850,000	207,820

* The figures of production for 1934-35 are for the Province as it existed prior to the reconstitution of Ganjam and Vizagapatam districts which took effect on 1st April 1936.

Statement II.

Statement showing import and export of paddy, rice and jaggery during the last four years.

Commodity.	Imports by rail and sea.			
	1934.	1935.	1936.	1937.
	TONS.	TONS.	TONS.	TONS.
Paddy	108,604	175,689	104,424	64,709
Rice	577,638	653,039	474,936	512,274
Paddy and rice in terms of rice	650,403	770,050	544,900	555,620
Jaggery	3,651	3,676	9,097	6,830

Commodity.	Exports by rail and sea.			
	1934.	1935.	1936.	1937.
	TONS.	TONS.	TONS.	TONS.
Paddy	4,588	8,461	5,479	2,235
Rice	189,763	213,052	212,705	227,141
Paddy and rice in terms of rice	192,837	218,717	216,375	228,638
Jaggery	24,922	20,864	19,430	24,086

Statement III.

Statement showing imports of broken rice during 1936 and 1937.

	TONS.
1936	89,882
1937	93,432

27th January 1939]

APPENDIX II.

[Vide answer to starred question No. 134 asked by Sri D. Sriramamurti at the meeting of the Legislative Council held on the 27th January 1939, page 27 supra].

(a) Statement showing the expenditure for the Madras Medical College from the financial year 1920-21 to 1937-38.

Expenditure incurred on buildings.										Expenditure excluding buildings.									
Major works.				Minor works.			Repairs.												
RS.		A. P.		RS.		A. P.	RS.		A. P.	RS.		A. P.							
1920-21	..	Figures for the period prior to 1925-26 are not available as the registers of works have been destroyed.									3,63,730			7	1				
1921-22	..										4,70,728			12	6				
1922-23	..										3,88,453			15	3				
1923-24	..										4,09,046			7	10				
1924-25	..										3,93,780			10	11				
1925-26	..	Nil.		7,592		11	7	4,970		0	4	3,93,769		11	0				
1926-27	..	Nil.		2,277		11	0	3,797		13	0	4,47,695		10	3				
1927-28	..	Nil.		1,293		4	3	7,784		12	2	4,77,658		4	8				
1928-29	..	386		0		0		9,558		0	0	11,923		15	11	5,53,584		0	3
1929-30	..	12,473		2		6		23,302		10	7	7,030		15	5	6,18,423		2	8
1930-31	..	75,028		4		11		3,087		5	10	2,607		13	0	6,08,146		2	0
1931-32	..	1,98,250		13		10		1,611		0	0	2,291		6	0	5,67,220		3	1
1932-33	..	2,51,989		3		6		1,020		13	0	1,850		9	9	3,79,602		5	3
1933-34	..	1,60,071		13		0		Nil.				2,986		13	0	4,16,812		2	3
1934-35	..	1,30,061		9		10		69		8	0	2,956		15	9	5,38,048		10	9
1935-36	..	29,751		0		6		Nil.				3,602		4	6	5,29,427		7	5
1936-37	..	37,036		2		1		433		12	0	5,728		15	0	5,87,429		10	3
1937-38	..	8,888		4		0		816		2	0	3,780		0	0	5,78,175		2	10

(b) Statement showing the expenditure for the Medical College and Hospital at Vizagapatam from the financial year 1923-24 to 1937-38.

Year.	Medical College.							King George Hospital.		
	Expenditure incurred on buildings.			Expenditure excluding buildings.						
	Major works.	Minor works.	Repairs.							
	RS.	RS.	RS.	RS.	A.	P.	RS.	A.	P.	
1923-24	..	45,771	Nil.	123	60,213	15	4	47,753	0	0
1924-25	..	82,708	Nil.	552	1,28,681	6	7	71,533	0	0
1925-26	..	2,07,335	Nil.	541	1,72,131	3	5	76,927	0	0
1926-27	..	1,28,765	Nil.	Nil.	2,35,059	11	1	74,936	0	0
1927-28	..	34,075	97	150	2,77,312	0	0	84,846	0	0
1928-29	..	26,326	959	841	2,83,386	9	10	1,35,880	0	0
1929-30	..	34,731	1,430	1,612	2,93,860	6	9	1,59,526	0	0
1930-31	..	84,864	9,576	1,246	2,87,550	11	6	1,70,112	0	0
1931-32	..	51,547	2,616	568	2,71,595	5	2	1,48,335	0	0
1932-33	..	7,586	38	1,874	2,27,361	14	4	1,43,915	0	0
1933-34	..	Nil.	324	3,219	2,49,809	13	4	1,66,527	9	0
1934-35	..	Nil.	1,611	728	2,48,322	8	6	1,63,112	0	0
1935-36	..	Nil.	1,214	2,662	2,61,734	6	10	1,74,806	0	0
1936-37	..	Nil.	1,693	3,930	2,81,324	15	6	2,22,771	0	0
1937-38	..	Nil.	2,324	3,834	2,88,218	0	0	2,41,269	0	0

[27th January 1939]

APPENDIX III.

[Vide answer to starred question No. 135 asked by Sri B. Narayanaswami Nayudu at the meeting of the Legislative Council held on the 27th January 1939, page 27 supra.]

District.	Name of panchayat board.	Name of Special Officer.	Salary.
(1)	(2)	(3)	(4)
			RS.
<i>Statement.</i>			
North Arcot ..	Chetpet ..	Sri T. A. Gurusamudram, B.A. (acting clerk, Cuddapah District Board).	40
	Sholinghur ..	" B. Suryanarayana Rao, M.A. (Agricultural Department).	60
South Arcot ..	Lalpet ..	" S. Rajasekaram Pillai, clerk, District Board Office.	45
	Vridhachalam ..	" V. Balagangadhara Menon, B.A. (Hons.).	55
Salem ..	Karimangalam ..	" G. Selvaraj, B.A. ..	55
	Idappadi ..	Mr. H. Muhammad Ismail, B.A., clerk, District Board Office, South Arcot.	60
	Vadagarai Attur ..	Village headman (Vadagarai Attur village).	Honorary.
Kistna ..	Avanigedda ..	Sri A. Nageswara Rao, subsequently District Panchayat Officer.	15 (Honorary.)
	Doklparu ..	" Duggirala Krishnamurti ..	40
	Kondapalli ..	" N. Sitaramayya (removed) ..	50
		" A. Sankarayya ..	35
	Angalur ..	" A. Ramayya ..	40
	Lingala ..	Assistant Panchayat Officer.	40
	Kaza ..	Sri Ragavayya ..	25
	Kapileswarapuram ..	" Chettijallu Venkatachalapathi ..	25
Guntur ..	Allavari Palem ..	Assistant Panchayat Officer.	60
	Erugupalem ..	District Panchayat Officer.	60
	Chilakalurpet ..	Sri G. Krishnamurti ..	60
West Godavari ..	Rayakuduru ..	" G. Machayya (removed) ..	Honorary.
		" N. Sivayya, B.A. ..	30
	Pulla ..	" Gali Narayana Rao, B.A., B.E.D. ..	45
	Narasapur ..	" T. Gopalakrishna Rao ..	60
	(a) Korukollu ..	" Gadiraju Venkatarama Raja ..	Honorary.
	Gundukolanur ..	" V. Ramayya ..	45
Chittoor ..	Madanapalli ..	" Pichl Reddi for some time; Sri Brahmayya Sastri.	80 plus 15
Vizagapatam ..	Salur ..	" M. A. Satyanandam William, M.Sc.	75
Kurnool ..	Betamcherla ..	" D. Ramachandra Rao, B.Sc. ..	35
Ramnad ..	Kilakarai ..	" A. Sundararaja Pillai, upper division clerk, South Ramnad District Board.	65
	Tiruppattur ..	Mr. Money Joseph, B.Sc., District Panchayat Officer.	60
Tanjore ..	Sathanur ..	District Panchayat Officers.	65
	Papanasam ..	Sri K. M. Devarajan ..	50
	Kodavsal ..	" C. B. Soundararajan ..	40
	Orathanad ..	" P. A. Ramakrishna Reddi, B.A. ..	60
Tinnevelly ..	Pulliyangudi ..	" M. Viraraghava Rao, B.A. ..	75
East Godavari ..	Samalkot ..	" Tangirala Raghava Rao, B.A. ..	40
Cuddapah ..	Nandalur ..	" Sourl Reddi, B.A. ..	40
Coimbatore ..	Singanallur ..	" P. Krishnaswami, B.A. ..	65

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APPENDIX IV.

[Vide answer to unstarred question No. 38 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 27th January 1939, page 33 supra.]

Statement showing the distribution of grants to Collectors from the Government of India Grant for Rural Reconstruction.

Name of district.	Amount of grant sanctioned.
	RS.
1 Anantapur ..	33,830
2 Arcot, North ..	71,170
3 Arcot, South ..	81,670
4 Bellary ..	29,170
5 Chingleput ..	51,330
6 Chittoor ..	50,170
7 Coimbatore ..	80,500
8 Cuddapah ..	31,500
9 Godavari, East ..	61,830
10 Godavari, West ..	39,660
11 Guntur ..	65,330
12 Kanara, South ..	46,670
13 Kistna ..	39,660
14 Kurnool ..	36,170
15 Madura ..	64,170 *
16 Malabar ..	1,20,170
17 Nellore ..	50,160
18 Nilgiris, The ..	4,670 †
19 Ramnad ..	53,670
20 Salem ..	82,830
21 Tanjore ..	73,500
22 Tinnevelly ..	56,000
23 Trichinopoly ..	60,670
24 Vizagapatam ..	1,15,500
	<u>14,00,000</u>

* A special grant of Rs. 10,833 has been given for a special water-supply scheme.

† An additional grant of Rs. 14,960 has been given to this district with reference to the special circumstances of the district.

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APPENDIX V.

[Vide answer to unstarred question No. 40 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 27th January 1939, pages 35 supra.]

District.	Number of societies for which subsidy is given.	Number of societies for which loans have been given, either in cash or credit loans or both as on 30th June 1938.
Anantapur	2	2
Bellary	3	3
Chingleput	7	6
Chittoor	2	1
Coimbatore	4	3
Cuddapah	2	1
East Godavari	5	6
	(plus 1 sanctioned after 30th June 1938).	
West Godavari	1	1
	(plus 1 sanctioned after 30th June 1938).	
Guntur	9	9
	(plus 1 sanctioned after 30th June 1938).	
Kurnool	2	2
Kistna	1	1
	(plus 1 sanctioned after 30th June 1938).	
Madura	1	0
Malabar	4	0
	(plus 4 sanctioned after 30th June 1938).	
North Arcot	11	10
	(plus 1 sanctioned after 30th June 1938).	
Nellore	2	2
	(2 sanctioned after 30th June 1938).	
Ramnad	2	1
Salem	2	1
	(plus 1 sanctioned after 30th June 1938).	
South Arcot	1	1
South Kanara	2	2
	(plus 2 sanctioned after 30th June 1938).	
Tanjore	2	2
Tinnevely	2	3
	(plus 1 sanctioned after 30th June 1938).	
Trichinopoly	5	5
	(plus 1 sanctioned after 30th June 1938.)	
Vizagapatam	2	2
	72 up to 30th June 1938 and 16 more after 30th June 1938.	69 societies.

[27th January 1939]

APPENDIX VI

[Vide item IV (1) at page 37 supra.]

L. A. BILL No. 1 OF 1939.

(As passed by the Assembly.)

A Bill to amend the Madras Registration of Births and Deaths Act, 1899, for a certain purpose.

Madras
Act III
of 1899.

WHEREAS it is expedient to amend the Madras Registration of Births and Deaths Act, 1899, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Registration Short title. of Births and Deaths (Amendment) Act, 1939.

Madras
Act III
of 1899.

2. In sub-section (1) of section 19 of the Madras Registration of Births and Deaths Act, 1899, for the words "the Tahsildar" in the first place where they occur, the words "a Tahsildar or Deputy Tahsildar", and for the words "the Tahsildar" in the second place where they occur, the words "the Tahsildar or Deputy Tahsildar" shall be substituted.

APPENDIX VII

[Vide item IV (2) at page 38 supra.]

L.A. BILL No. 2 OF 1939.

(As passed by the Assembly.)

A Bill further to amend the Madras Revenue Recovery Act, 1864, for a certain purpose.

Madras
Act II of
1864.

WHEREAS it is expedient further to amend the Madras Revenue Recovery Act, 1864, for the purpose herein-after appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Revenue Short title. Recovery (Amendment) Act, 1939.

Madras
Act II of
1864.

2. In section 52 of the Madras Revenue Recovery Act, 1864, after the words "and all cesses lawfully imposed upon land", the words "and all sums due to the Provincial Government, including compensation for any loss or damage sustained by them in consequence of a breach of contract" shall be inserted.

[27th January 1939]

APPENDIX VIII

[Vide item IV (3) at page 52 supra.]

L.A. BILL NO. 3 OF 1939.

(As passed by the Assembly.)

A Bill further to amend the Madras Prevention of Adulteration Act, 1918, for a certain purpose.

WHEREAS it is expedient further to amend the Madras Prevention of Adulteration Act, 1918, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Prevention of Adulteration (Amendment) Act, 1939.

Amendment
of section 19,
Madras Act
III of 1918.

2. For the proviso to section 19 of the Madras Prevention of Adulteration Act, 1918, the following proviso shall be substituted, namely:—

Madras
Act III
of 1918.

“ Provided that a prosecution in respect of an offence under section 6-A may be commenced at any time after the vendor gives notice of his intention to plead the warranty by way of defence under the first proviso to sub-section (2) of section 6 and before the expiry of three months from the date on which the prosecution against the vendor is finally disposed of.”

THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 23th January 1939.

The House met in the Banqueting Hall, Government House, Mount Road, at eleven of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Restrictions imposed by South Kanara District Traffic Board on lorry traffic.

* 138 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Law be pleased to state—

(a) what restrictions have recently been imposed by the South Kanara District Traffic Board on the laden weight of lorries and their routes;

(b) how far the traffic in the district to and from Mysore has suffered and is likely to suffer as a result of the restrictions;

(c) whether the restrictions have been found necessary on account of the defects in the roads, bridges and culverts;

(d) if so, whether the District Board of South Kanara has formulated a scheme for the replacement of the bridges and culverts found defective and what will be the cost of the scheme;

(e) what grant the District Board has asked for in order to meet the required expenditure; and

(f) what amount Government are disposed to sanction?

THE HON. DR. P. SUBBARAYAN:—“(a) The South Kanara Road Traffic Board has restricted the laden weight of lorries to 80 cwt. and has restricted lorry traffic to ten roads in the South Kanara district.

“(b) The restriction as to the routes does not affect traffic to and from Mysore, as all the important routes to and from the Mysore State are included in the ten roads open to lorry traffic. The restriction on the laden weight may affect traffic and the matter is now under consideration.

“(c) The answer is in the affirmative.

“(d) & (e) The district board has applied for a grant of Rs. 55,250 towards a total sum of Rs. 94,250 to be spent on the reconstruction of six bridges and one culvert.

“(f) The application is under consideration in connexion with the Budget Estimate for 1939-40.”

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MR. J. A. SALDANHA:—" May I enquire, Sir, what is the amount that the district board wants for the development of the roads and bridges, for I did not hear the Hon. Minister properly."

THE HON. DR. P. SUBBARAYAN:—" The district board applied for a grant of Rs. 94,250 and they want a grant towards that of Rs. 55,250 from the Government."

MR. J. A. SALDANHA:—" May I know the amount that the Government are disposed to sanction? "

THE HON. DR. P. SUBBARAYAN:—" I have already stated that the matter is under consideration with regard to the preparation of the budget for 1939-40."

Education on modern art, industries, etc., by means of museums.

* 139 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Education be pleased to state what steps Government have taken and propose to take for imparting education to students and the public by means of museums, displaying exhibits covering as many departments of life as possible with special emphasis on modern art, sciences, important industries and discoveries, all duly arranged and classified?

THE HON. SRI C. J. VARKEY:—" The Government have established a museum in Madras City. Government departments co-operate, wherever possible, with non-official bodies in organizing industrial and other exhibitions both in the city and in the mufassal."

MR. J. A. SALDANHA:—" May I know, Sir, in what way museums will be utilized to help children and other people in regard to education? "

THE HON. SRI C. J. VARKEY:—" Exhibitions are intended for the education both of boys and girls and the public."

Excise administration in the Presidency and steps taken by Government to combat illicit distillation, if any.

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

(a) to place before the House a comparative statement showing the total Excise revenue and expenditure for each of the years 1936-37 and 1937-38 and the half-year ending 30th September 1938 as also the consumption of several kinds of liquors and the expenditure on the Excise administration during those periods;

(b) to explain the causes of the increase or decrease under the several heads; and to state

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(c) whether there has been an increase in the expenditure on account of the Prohibition in certain districts, and if so, what the increase was in each of the prohibited districts; and

(d) in which districts illicit distillation is still rampant and what steps Government have taken and propose to take to reduce the evil with due regard to the Excise Commissioner's observations on the subject in the Reports of the Administration of the Excise Revenue for 1936-37 and 1937-38?

THE HON. SRI V. I. MUNISWAMI PILLAI:—" (a) to (d) A statement * is laid on the table of the House."

MR. J. A. SALDANHA:—" With reference to page 2 of the statement I want to know whether it is the policy of the Government to reduce the consumption of liquor gradually or is it their policy to encourage consumption. If it is their policy to discourage consumption, how is it that they decreased the selling price of arrack? Is it their policy to encourage more drinking by decreasing the price? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" I did not quite understand the hon. Member's question, Sir."

MR. PRESIDENT:—" Will the hon. Member put his question specifically? "

MR. J. A. SALDANHA:—" The statement shows that there is an increase of consumption of liquor all over the Presidency. I want to know, what the policy of the Government is in regard to this matter: is it to encourage drinking by reduction in the price of liquor or is it otherwise? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" It is stated in the statement that the increase in five districts is ascribed to the low rate of selling price of arrack."

MR. J. A. SALDANHA:—" I think the Government should increase the price of arrack if they want to discourage the drinking of liquor? "

THE HON. SRI V. I. MUNISWAMI PILLAI:—" It is also stated that the duty on country spirits was reduced from 1st April 1935 by about 25 per cent throughout the Presidency to reduce the margin of profit of the illicit distiller."

Scheme for training rural medical practitioners.

* 141 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased—

(a) to place before the House the Government scheme for training rural practitioners for equipping them to take up the task of preventive medicine, the objection raised to it, and to state—

(b) what their functions will be;

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(c) whether Government propose to take the sense of the Houses of the Legislature before passing final orders on the objections;

(d) if so, when; and

(e) if not, what action Government have taken thereon?

THE HON. DR. T. S. S. RAJAN:—“(a) A copy * of G.O. No. 2639, P.H., dated 21st July 1938, containing the scheme for the deputation of medical practitioners in charge of rural dispensaries of allopathic medicine subsidized by Government, for training in and performance of public health work, is placed on the table. The old Salem and North Nellore District Boards have expressed their inability to adopt the scheme as they cannot meet the travelling allowance, honorarium and remuneration payable to the rural medical practitioners under paragraph 2 of the Government Order referred to. The presidents of these district boards have been informed that the Government Order should be placed before the district boards which were then to be newly constituted. The Malabar District Board has requested that it may be permitted to delete the condition relating to the payment of a remuneration of Rs. 15 per mensem to the rural medical practitioners doing public health work and this is under consideration separately.

“(b) They will be required to perform duties connected with the public health matters in which they are given training. A syllabus of the course is appended to the Government Order.

“(c) & (d) Government do not consider it necessary to place the matter before the House.

“(e) The question does not arise.”

MR. J. A. SALDANHA:—“May I know, Sir, why this House was not consulted on a matter of public importance?”

THE HON. DR. T. S. S. RAJAN:—“I may tell the hon. Member that this is only an executive business and this House need not be consulted about the administrative work of the Government.”

MR. J. A. SALDANHA:—“May I enquire whether the sense of the House at least should not be taken in carrying out certain duties of the Government, whatever that may be and whether it is not advisable and necessary that this House should be consulted in a matter of such importance, in order that they might know what the sense of the House is?”

* Printed as Appendix II on pages 100-103 infra.

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THE HON. DR. T. S. S. RAJAN:—“This is entirely a technical matter which has got to be decided by the technical experts and advisers of the Government. As an executive body it has got to discharge certain administrative duties and it is not at all necessary to consult this House on those matters.”

Students selected for training in industries at the Village Industries Association Training School.

* 142 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to place before the House a statement showing the names, religion, race and caste of students sent to the Village Industries Association Training School by the Government from this Province for training in industries in the year 1937-38 and this year?

THE HON. SRI V. I. MUNISWAMI PILLAI:—“During 1937-38 no candidate was deputed for training at the All-India Village Industries Association Training School, Wardha. A statement * showing particulars asked for in the case of candidates deputed for training during the current year is placed on the table of the House.”

UNSTARRED QUESTIONS

Supply of slasher sizing machines to handloom weavers' district co-operative societies.

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

(a) how many slasher sizing machines have been supplied by the Madras Handloom Weavers' Provincial Co-operative Society, Limited, to handloom weavers' district co-operative societies, and if so, to which and subject to what conditions;

(b) whether the South Kanara Handloom Weavers' District Co-operative Society, Limited, applied for one and if so, with what recommendations from any authorities of the Industries and Co-operative departments; and

(c) whether the application has been complied with or refused and, if refused, for what reasons?

A.—(a) None.

(b) & (c) The society applied to the Madras Handloom Weavers' Provincial Co-operative Society, Limited, for a supply of a machine free of charge and also requested it to bear the running expenses of the machine for six months. But the Provincial Weavers' Co-operative Society could not comply with the application for want of funds.

* Printed as Appendix III on page 103 infra.

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Transfer of Andhra gazetted officers to South Kanara and Malabar and that of the latter districts to the former.

42 Q.—MR. J. A. SALDANHA: Will the Hon. the Prime Minister be pleased to place before the House a statement showing the names of gazetted officers in the Revenue, Judicial, Police and Medical departments born in the Telugu-speaking districts transferred to South Kanara and Malabar and of the same class of officers born in the last two districts transferred to the former districts during the last five years and the grounds on which they were justified in the interests of economy and efficiency?

A.—The collection of the information will involve an amount of labour which in the opinion of the Government will be quite disproportionate to any useful purpose which may be served thereby.

Deputation of delegates to the Second Triennial All-India Local Self-Government Conference at Calcutta, their travelling allowance, etc.

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

(a) which of the local bodies in the Province have decided to depute their delegates to the Second Triennial All-India Local Self-Government Conference to be held at Calcutta during the Christmas holidays in 1938 and what the status of each of the delegates deputed is;

(b) what the travelling and halting allowances out of the local funds sanctioned by Government to the delegates are; and

(c) whether representations have been submitted to the Government by any local body or any delegate in regard to the allowances sanctioned, and if so, what orders Government have passed thereon?

A.—(a) The local bodies which proposed to send delegates to the conference and the status of the delegates proposed are given below:—

Name of local body.	Status of delegate.
Nellore Municipal Council ..	.. Chairman.
Tuticorin Municipal Council ..	.. (Not specified.)
Bezwada Municipal Council ..	.. Councillor.
Calicut Municipal Council ..	.. Councillor.
Guntur Municipal Council ..	.. Councillor.
Trichinopoly District Board ..	.. Member.
West Tanjore District Board ..	.. President.
Rajahmundry District Board ..	.. Member.
South Kanara District Board ..	.. President.

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(b) A single intermediate class railway fare from their respective headquarters to Calcutta and back has been allowed to the delegates as travelling allowance. A single second-class fare may, however, be drawn on railway lines where there is no intermediate class accommodation. No daily allowance has been sanctioned.

(c) Answer is in the affirmative. Government have declined to modify their previous orders.

Public Health establishment of each of the local bodies in the Presidency, their conditions of service, pay, etc.

44 Q.—SRI B. NARAYANASWAMI NAYUDU: Will the Hon. the Minister for Public Health be pleased to state—

(a) the Public Health establishment, if any, of each local authority including the Corporation of Madras in the Madras Presidency at the beginning of 1938-39;

(b) the conditions of service of the members of each such establishment;

(c) the pay of the persons composing each such establishment in each such local area in the Presidency; and

(d) the authority who makes appointments to the Public Health establishment in each local authority?

A.—(a), (b) & (c) Details regarding the Public Health establishments of all local authorities and the Corporation of Madras are not readily available.

(d) Attention is invited to section 73 of the Madras District Municipalities Act, 1920, section 70 of the Madras Local Boards Act, 1920, and sections 85, 86, 87, 89 and 90 of the Madras City Municipalities Act, 1919.

Bill to amend Indian Succession Act as to probates of wills to be taken by Indian Christians and duties payable thereon and succession certificates.

45 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Law be pleased to refer to the assurance given on 14th December last by the then Minister at the conclusion of the debate on my Bill to amend the Indian Succession Act—sections 213 and 370—as to probates of wills to be taken by Indian Christians and duties payable by them thereon and succession certificates to be applied for, and to state whether Government contemplate bringing in legislation for making the necessary alterations in the law, and if so, when?

A.—The matter is under the active consideration of the Government and the question of legislation will be decided as soon as possible.

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

II.—STATEMENT *re* THE BUSINESS OF THE HOUSE.

* THE HON. DR. T. S. S. RAJAN:—"Sir, to-day according to the original undertaking given by me to the hon. Mr. Reid regarding the programme of work before the House, the Bill to be moved by the Minister for Education will now be moved. After the disposal of that business, the Public Health Bill will be moved for consideration and then we disperse at 1 o'clock. On Monday, whatever business that is left over from the agenda of to-day will be taken up and I suggest to the House that we sit both in the morning and evening on Monday and Tuesday so that the rest of the business may be carried out as early as possible, particularly in view of the request made by Mr. Moidoo Sahib yesterday with regard to our session not being prolonged beyond Wednesday."

* MR. J. A. SAIDANHA:—"I want to know from the Hon. the Leader of the House what our hours of business are, especially in view of the coming Budget session and whether there would be any change in the rule with regard to the hours of business, particularly with regard to non-official business. I understand that there is a Joint Committee considering the question—I do not know by whom it was appointed—and that it has been pondering over this question for the last one year but it has not yet done anything. I therefore want to ask the Hon. the Leader of the House . . ."

MR. PRESIDENT:—"I have already told the House yesterday that in this House we have been sitting from 11 a.m. to 1 p.m.; such being the case, I do not think there is any necessity for any debate on this matter."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"I want to inform the Hon. the Leader of the House that there is an important function in Madras on Tuesday, viz., the unveiling of the statue of His late Majesty, King George V by His Excellency the Governor, and many members of the Opposition would like to attend that function . . ."

* THE HON. DR. T. S. S. RAJAN:—"Why only members of the Opposition? Members of the Government also would like to go."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"I am glad and I welcome the Members of the Government to attend it. But, what I would like to say is, that on that day the Council may adjourn at about 4 o'clock in order

* 28th-January 1939] [Sir Mahomed Usman]

to allow members on both sides of the House to attend the function, if the Council should sit both in the morning and in the evening on that day also."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I know, Sir, whether on a non-official day, the Government will agree to give effect to the rule that seems to be in vogue, that is, to sit from 11 to 5?"

* THE HON. DR. T. S. S. RAJAN:—"Sir, the House usually sits from 11 to 1. That is the usual procedure that we have been adopting and there is nothing to prevent this House (Rao Bahadur N. R. Samiappa Mudaliyar:—"Not by the rules.")—I am not talking about the rules—from sitting further if the House so desires and if there is enough legislative business to do. Of course that will entirely depend upon the willingness of hon. Members to continue discussion in the afternoons also. But, as far as Government business goes, we are now demanding an extension of the sitting of the House by sitting in the afternoons also for the conduct of Government business. But during the sitting of the Council when non-official business is taken, it is entirely open to hon. Members to sit in the afternoon or not."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"We have no objection to sit in the afternoons also, but I hope the Hon. the Leader of the House will agree that we might adjourn at 4 o'clock on Tuesday if we should sit in the afternoon also on that day, to enable us to attend the function."

* THE HON. DR. T. S. S. RAJAN:—"All those who are anxious to attend it and those who are in duty bound to attend shall be relieved in time."

III.—THE MADRAS ELEMENTARY EDUCATION (AMENDMENT BILL 1939 (L.A. BILL No. 4 OF 1939), AS PASSED BY THE ASSEMBLY. 11-15 a.m.

* THE HON. SRI C. J. VARKEY:—"Mr. President, I move—

"That the Bill^a further to amend the Madras Elementary Education Act, 1920, the Madras Local Boards and Elementary Education (Amendment) Act, 1934, and the Madras Elementary Education (Amendment) Act, 1935, for certain purposes (L.A. Bill No. 4 of 1939), as passed by the Legislative Assembly be taken into consideration at once."

The District Educational Councils came into existence in accordance with the Madras Elementary Education Act of 1920. It is an admitted fact—though not admitted by the Presidents of the Councils—that these Councils have not worked satisfactorily, and that, therefore, there appears to be no sufficient justification

^a Printed as Appendix IV on pages 104-107 *infra*.

[Sri C. J. Varkey]

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for their continuance. So, the Government propose that the fundamental principle underlying the Bill, namely, the abolition of the District Educational Councils, be supported by the House. The object of the Government in introducing the Council was that they might help to co-ordinate and direct the activities of the various agencies working in the field of elementary education. That the Councils have not been helpful in this important work has been sufficiently admitted by even the members of the District Educational Councils and by some Presidents also. Further, it has been found that the Council, having to perform its duties throughout the whole district, was not just the machinery required for the purpose in view. Therefore, the Government have under consideration the creation of smaller bodies for smaller areas for carrying on effective work in this important duty of spreading mass education. I request the hon. House to support the motion."

* MR. S. J. GONSALVES:—"Mr. President, the object of the Bill, as the Hon. the Minister for Education has stated, is the abolition of the District Educational Councils. These Councils were created eighteen years ago and they have been functioning till now. On these Councils were representatives of municipalities, district boards, private agencies, both missionary and non-missionary, which were working in the field of education. There was also some nominated element in these Councils and there were the education and other officers of the Government. These Councils were entrusted with large powers in the field of education. They were to recognize schools and were to give financial assistance to those schools from the funds placed at their disposal by the Provincial Government; they were also to distribute the funds equitably amongst the various schools that were working in the district and they possessed many other allied powers. They were an independent *ad hoc* body. The powers that were entrusted to the Councils are now sought to be taken away and given to the subordinate officials of the Education department. It looks as though the Government want to take away the popular control that was given to the people in the field of education and centralize it in the hands of the subordinate officials of the Education department. It looks as if the Government are preferring the individual judgment of their subordinate officials to the collective wisdom of the representatives of the people on that body, an independent and popular body. This, I submit, is the time when greater control should be given to the people, especially in the field of elementary education when the question of expansion of education is before the people. Instead of giving more powers to the popular body, it appears now that they are trying to curtail the control that was given to them

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[Mr. S. J. Gonsalves]

nearly twenty years ago. I find it difficult to support the curtailment of popular control. On the other hand, I think that the Government should try and extend popular control.

"The Hon. Minister has not told us what will be the composition of the body that will take the place of this Council. He has only stated that the District Educational Councils have not been functioning properly for the last eighteen years. One would like to know in what directions they have not been satisfactorily functioning. The House would like to have some details. The statement has not been supported by facts and is far from convincing. He has not also told us what the substitute for these Councils is to be. If the idea of the Government is that there should be a better machinery for the purposes for which these councils were intended, this House will certainly not have any objection. But the House has not been informed sufficiently about the substitute that the Government intend to bring in. I would plead that in the formation of the substitute body, the Government will keep in mind the idea of popular control—not only that, I will request them to extend the principle of popular control."

* SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—"Mr. President, I honestly believe that the present legislation is uncalled for and unnecessary in the present stage. If you look at the present state of education of the people in this Province, one cannot but be convinced of the need for entrusting the District Educational Councils with more powers. Instead of giving more powers to the Council it is certainly unpleasant to see the Government coming forward with the proposal to kill the institutions altogether although they have been functioning well all these years and though a provision exists in the Act itself for reforming them. You know, Sir, we have got on the Council responsible officials and non-officials. There are in the Council the District Collector, the District Educational Officer, the President of the district board—these are ex-officio members of the Council—and in addition to that, the Government have got powers to nominate persons to the extent of one-fourth of the total number excluding the ex-officio members. Having such responsible officers on the Council and also representatives of the district board and of the managing associations of the aided schools, there is no meaning in abolishing the Councils at the present stage. Above all, the Government have enormous powers under sections 22 and 23 to set aside any resolution of the Council. I only draw the attention of the Hon. the Minister for Education to section 21 of the Act:

"The Local Government may by order in writing, suspend the execution of any resolution of any District Educational Council or of any order issued by any District Educational Council or President, or cancel such

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resolution or order and may prohibit the doing of any act which is about to be done or is being done in pursuance of or under colour of this Act, if in their opinion, such resolution has not been legally carried or such resolution or order or act is in excess of the powers conferred by law.

The Government under such circumstances are at perfect liberty to set aside the resolutions of the Council if they are convinced that they are injurious or detrimental to the interests of the public at large. Again if the Government think that the Council or its President is circumventing the rules or not observing them properly in the spirit in which they ought to be observed, they have also power under section 23 to dissolve the Council and throw open the elected seats for election and re-appoint members to the extent to which nomination is allowed. The section reads:

'If, at any time, it appears to the Local Government that a District Educational Council is not properly performing its duties under this Act, they may direct that all elected and appointed members of such district educational council shall vacate their seats and that the vacancies shall be filled by election in respect of elected members and by appointment in respect of appointed members, or that all the vacancies shall be filled by appointment.'

If the Government are convinced that the Council is not discharging its functions in the best interests of the public at large, they are at liberty, as I just now said, to abolish the Councils altogether and order re-election and the Government can, in respect of the seats to be filled up by appointment, appoint such people who have the requisite knowledge in educational matters. In spite of such sensible provisions in the Act, I cannot really understand why the Hon. Minister is coming forward before the House with this proposal. Have they had occasion in the past to use these powers and have they found that even after such powers had been used, matters had not improved? In the absence of such a thing, I should be compelled to observe, Sir, that the proposal before the House is uncalled for, unnecessary and unjust.

"I happened to be a member of the District Educational Council for a number of years as an elected representative of the Chittoor District Board. As a matter of fact all the deliberations of the Council were conducted in the immediate presence and guidance of the District Educational Officer. He is, as the House is aware, a subordinate of the Director of Public Instruction and the Government. He is there to guide the deliberations of the Council and to see that they do not go out of the way and only pass resolutions which are in accordance with the law. Even assuming that unacceptable resolutions are passed, the Government have powers under the sections I have already quoted to set them aside and even to dissolve the Councils altogether and order fresh elections. But, Sir, such a necessity has not till now arisen. The District Educational Officer is there. He goes from place to place, inspects the institutions and points out to the committee the drawbacks of the institutions he has inspected and he is bound to place

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all these before the Councils also. It is inconceivable to think that in spite of all this the Councils have been persistently lacking. Therefore, I think, Sir, that there is no meaning in asking for the abolition of the Councils.

"Sir, the Hon. Minister is not pleased to take this House into confidence and tell us what is the nature of the body that he proposes to create in its place. He contemplates, I think, the constitution of smaller bodies functioning in smaller areas. Are these to be for each taluk, or are they to be for each subdivision or for each firka? Who are to be the members of the Committee? He has not been pleased to tell us anything about these points. What is the proper substitute? I would like to hear something about this from the Hon. the Minister. I would like to ask him once again, Sir, what is the alternative proposal? Is it to be a nominated body or is there to be election? I think the House is entitled to hear about this from the Minister before we pass the legislation."

* MR. J. A. SALDANHA:—"Mr. President, personally I have not always been appreciative of the work of the District Educational Councils. So far as the South Kanara District Educational Council is concerned, it would be seen from the number of questions I have put, that there has been a number of irregularities committed by that body. There was a Bill brought in the old Legislative Council for the purpose of amending the Elementary Education Act and especially this clause as to Educational Councils. The object was not to do away with the Council but to re-constitute it. That is what is required. But now we are asked to abolish the Councils altogether on some vague charges of inefficiency. There was no specific complaint against the Council in the speech of the Hon. the Minister. Neither in his speech nor in the Statement of Objects and Reasons, is there any indication as to where and how they have been inefficient; his speech has not enlightened us in any way. I think there was an idea of constituting an advisory committee with the Collector as the President. But we have heard nothing about it in the speech of the Hon. Minister. I know that the District Educational Councils have committed certain irregularities; but I would ask which municipality, which district board is free from such defects and irregularities. Now it is a very bad and very unwise step that the Government propose to take in abolishing the District Educational Councils altogether. I remember once urging the defective and irregular work done by these Councils. It was pointed out to me; I made inquiries; and I found though there are some irregularities here and there, they have been doing substantially good work for the last fifteen years. For example, take the case of the Catholic schools in the South Kanara district. If you examine the figures you will see that a large percentage of the

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grants have been taken by the Catholic schools. This shows the fairly good work done by the District Educational Council. There has been conflict between the local board schools and private schools on one side and the Catholic schools on the other, in which the Educational Council has not been always fair. But this does not preclude one from recognizing the merits of the case. The defects in the working of the Educational Council only shows the defective composition of the Educational Council. What we ought to do is to effect improvement in the composition of the Councils and not abolish the whole thing outright.

“ Now what are we to have in their stead? We have to depend on the District Educational Officer for the whole thing. We know that some District Educational Officers are autocratic. They are considered in the mufassal as very powerful officers; and there is great dread of some of them. All of us know when the Inspector of Schools is to inspect a school on a particular day, what elaborate arrangements are made to receive him, and entertain him. Even in our experience of the control of the District Educational Council we know how autocratic they are, and we have made several complaints to the Government of their vagaries and of their erratic methods. But that should not be a reason to abolish the whole institution altogether. Now the question is, are we to hand over to one District Educational Officer in each district and the subordinates of the Director of Public Instruction all the functions till now performed by the District Educational Council. In such Councils the merits and demerits of each scheme were discussed; the claims of different communities were discussed; the presidents of different institutions and bodies met together and talked on several subjects; they exchanged notes; they discussed how educational institutions were getting on in other places; in fact, it was a body which served some good purpose. Now, what is complained of them, who complained and where—all these things are not stated in the Statement of Objects and Reasons appended to this Bill; nor did the Hon. Minister explain them in his speech. I think, the House not being apprised of these things, is bound to oppose the motion. Sir, for these reasons and also on the grounds raised by the previous speakers, I entirely object to this Bill as it stands.

“ Another thing, Sir. We have not been told till now about the nature of the body which is to take the place of the District Educational Council hereafter. If it is the District Educational Officer himself, we may have occasion to object to the arbitrary exercise of his powers. Unless there is some authority to whom we can appeal against his orders, I fear we shall be put to great trouble. The appellate authority may consist of three or four persons, say, the President of the District Board and the Chairman of the Municipal Council; or it might be even the Collector alone.

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I would personally have the Collector as the appellate authority. He knows what the requirements of the district are; he is readily available in the district, so that whenever an arbitrary order is passed by the District Educational Officer, we can readily appeal to the Collector, represent to him the facts of the situation and get our grievance redressed. If the appellate authority is situated outside the district, there will be great delay and things cannot be rectified then and there.”

* SRI R. SRINIVASA AYYANGAR:—“ Mr. President, at this initial stage the question we have to consider is whether this amending Bill should be considered or not. Mr. Saldanha would like to have the consideration of this Bill rejected *in limine*. What we have to discuss now is whether the District Educational Council should be ended or mended. Mr. Saldanha is for mending; and I am for ending it altogether. I have known for some years the working of this Council; and after receiving a copy of this Bill I had very many discussions with the members of the District Educational Council in my district and they expressed their willingness and co-operation in getting rid of these Councils once for all. In other words they were prepared to sign their death warrant. As it is, in the constitution of the Council we find a large—I will say, a preponderating—element of elected members of the District Board, all scattered throughout the district. They do not co-operate with one another; they do not work together. I suppose I am not letting out a secret, when I say, I had the benefit of the opinion of the President of the South Arcot District Board. He said there were 1,170 schools in the district, and it would be too difficult for one person to get himself acquainted with the working of at least 10 per cent of that number. So, he said, work gets stagnated; oftentimes things get out of hand, and irregularities, when they take place, are not brought in time to the notice of the presiding officer. In that state of things, the best thing to do will be to end the institution altogether: amending it seems to me to be out of the question. You can mend a thing if it is capable of being mended; to-day if it is mended it cannot stand at all.

“ Mr. Saldanha said, ‘ Unless you have a substitute for this Educational Council, why do you want to abolish it? ’ He also asked, ‘ Are you going to entrust the work of the District Educational Council into the hands of the District Educational Officer? ’ He characterized them as passing arbitrary orders, prone to do things in a high-handed manner. But you have to remember that they are men appointed in the district to do work, that they are subject to the control and supervision of the department, and that if anything went wrong, the Government would undoubtedly come down upon them and pull them up. The same thing cannot be said of the presidents of district boards. He also said that they were erratic. I think it is a sweeping remark he has made behind the back of these Educational Officers, who are not in a position to

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defend themselves. The best thing will be to do away with the Educational Council altogether, and in its stead to constitute Taluk Committees consisting of gentlemen who will take care of things and not go wrong. I see, whenever there is an attempt to do away with a particular state of things which has been in existence for some years, there is always opposition and revulsion of feeling, and people are led to allow existing things to go on. I think this should not be the case; the more I think of it, the more I am convinced that this thing must go. It may be that in one or two districts it is working well or properly; but will that be a reason to retain these good-for-nothing bodies? Therefore the best thing will be to end them altogether."

SRI B. NARAYANASWAMI NAYUDU:—"Sir, the question before the Council is to scrap the Educational Councils altogether; and we have not been told what is to take their place. Until that is made known our attitude will be one of opposition to this Bill. The Hon. Minister says it is not possible to prune or weed out the bad things from the institution, and so the best thing will be to abolish the institution. That apart, Mr. Srinivasa Ayyangar said that instead of Educational Councils, we shall have Taluk Committees. What will happen is that you will have packed committees of nominated persons, instead of the present Educational Councils with elected members. Is that a change for the good? We want to know what the composition of the Taluk Committee will be. I am sure the Congress Government will not entrust the distribution of 16 lakhs of rupees to such a body; nor will they entrust the distribution of that large sum to a single officer like the District Educational Officer. Not a word has been said about the working of the District Educational Council in the latest report of the Director of Public Instruction.

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a.m.

"We talk of the inefficiency of the schools. We want to know how that inefficiency is sought to be remedied by the abolition of these Educational Councils. Four Divisional Inspectors were appointed and the report says that it has achieved some purpose. It is said that one-teacher schools are disappearing and that the other schools are on their way to recovery. What is this measure of abolishing the District Educational Councils for? Is it going at once to bring a complete change? What is the substitute that they are going to bring in? First of all when the Prohibition Bill was brought in, we in the Opposition asked, 'By what are you going to substitute drink?' We never had a reply. This House is entitled to know before they judge whether the abolition of the District Educational Councils is right or wrong, what the bodies are that you are going to substitute in their place. It is fair and it is the duty of the Government when they want to break one part and substitute another part to say by what they are going to substitute, whether it is going to be a body of the Legislature or merely a party body. In the absence of an answer

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to these questions, I humbly submit, Sir, that it is absolutely unwarranted for the Hon. the Minister for Education to introduce this Bill and keep on to it."

* THE HON. SRI C. J. VARKEY:—"Mr. President, indeed at the time of moving for the consideration of the Bill, I thought the hon. Members had not as much time as I might have had, at their disposal, and that is why I did not make a speech at great length. It appears that Members are anxious to hear something more about it. I am prepared to take a few more minutes of the House. Now, there is section 21, which was introduced with foresight, by which we can either suspend or cancel any resolution of the Educational Councils. And, also there is the District Educational Officer who is empowered to interfere with any decisions of the District Educational Councils. In fact, that has been our trouble: already there has been too much of interference. The Government felt a constant need for interference with the decisions of the District Educational Councils. That itself goes to show quite clearly that the Councils were not working satisfactorily. If the Councils were working satisfactorily, it would not have been necessary for the Government or the District Educational Officer to interfere with the decisions of the Councils under section 21.

"It is this constant trouble that these Councils have given the Government that prompted this idea, even in the previous administration, to kill these institutions. In fact two years, only two years, after the introduction of the District Educational Councils, there was a move to abolish them. But, the previous Government had no courage, and therefore, the Bill which was drafted for abolishing these Councils was shelved. The present Government have taken courage in both hands, and are prepared to kill the wild animals. These Councils are like tigers; they had been devouring cows and goats in the villages and we want to put a stop to it.

"It has been said that these Councils should be given more powers, rather than be slaughtered. In fact, they have already been given vast powers, and that is the whole trouble. When the Bill was introduced, or rather framed, in 1917 originally, and became the later Bill of 1920, the framers did not consider whether the Councils as then constituted were fit to discharge those vast powers. We discovered that these Councils were defective and decided to put an end to what was to be ended.

"My hon. Friend, Mr. Saldanha, asks 'Why this question of ending and not mending?' In fact, we are ending it so that we may mend it. Perhaps, that is an art in which he is not a past master. In fact, we take one branch of a tree and plant it at the same place, and a new tree will come up. That is what this Government are going to do. There is nothing to fear that we are going to substitute an autocrat where there is a democrat to-day. It will be a disgrace for this House or for this Government which

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represents popular opinion, if we try to abolish popular institutions. If we kill one popular institution, it is to introduce a better and stronger popular institution. Perhaps hon. Members are anxious, because they do not know what that popular institution is to be. On that institution which we want to create, I have not yet got my mind to work. First, we want that these institutions should be abolished. We have not had much time to think over this matter, and the present Education Minister has not thought over the subject within the short time that he has been in office.

"You may rest assured that when such an institution comes into being it will not have a vast area like a district, for its jurisdiction. Some members of the Educational Councils who are also Members of this House are present here to-day. Can anyone say that they have visited every institution in their own districts? We want an institution where every member of it will be in a position to visit every school within his area. Whether it will be a village or a taluk, we have not decided. We think that will be more popular. To-day we have something like 20 or 30 or 50 members in each district, whether nominated or elected without looking into the merits of the members. Members were elected originally by the taluk boards and later on by the district boards. They have only helped in starting elementary schools here and there as mushrooms. Not that we are complaining against a particular Council or any particular President of the Council. What we are complaining against is the very system of educational administration by such Councils, which are representative of the educational interests of particular localities.

"Then, Mr. Saldanha pointed out the need of one missionary educationist representative in his district. Is he himself able to go and visit all these schools within that district? Is it possible for any single agency to visit all these schools? Therefore, we have taken all these facts into consideration and we have decided to end it in order to mend it. We may mend it by introducing a more popular institution, more representative, whether it be of 30, 40, 100 or 150 members. Members of the Legislature of that area, i.e., within the jurisdiction of the Committee will be ex-officio members of the Committees, whether they are members of this House or of the other House.

"It was feared by some hon. Members who usually have such fears, which are unfounded fears, that this popular Government are going to establish 'packed' committees. I may assure hon. Members that we want no packed committees as has been hitherto the rule in our Province. We want committees for definite purposes, filled with men who would know the field, who would possess knowledge, personal knowledge, of the locality, and who are interested in education, but not in this particular school or that

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particular management. We want those who are interested in the field of education in our Province, who will know the needs of the locality and who will be willing to do much more than simply spending money without increasing the percentage of literacy in our Province.

"You may take it. Hon. Members may rest assured that we are not going to kill the animal for the sake of killing the animal without having a substitute, to end the Council without a better substitute for it; we are going to do constructive work. Suppose this building is declared by the engineers to-day as dangerous or unfit, we have to pull it down, not with the object of simply ending it, but with the object of constructing a better building more suitable to our conditions of life. With these few observations, Sir, I commend the Bill to the support of the House."

The motion that the Bill be taken into consideration at once was put and carried.

MR. PRESIDENT:—"As I have received no amendment so far, I put all the clauses, clause by clause and there will be an opportunity for members who are anxious to speak on any particular clause."

Clauses 2 to 18 were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI C. J. VARKEY:—"I move, Sir—
'that the Bill be passed into law.'"

The motion was put and carried and the Bill was passed into law.

IV.—THE MADRAS PUBLIC HEALTH BILL, 1938 (L.A. BILL
No. 17 OF 1938), AS PASSED BY THE ASSEMBLY.

* THE HON. DR. T. S. S. RAJAN:—"Sir, I beg to move—
'that the Bill * to make provision for advancing the public health of the Province of Madras (L.A. Bill No. 17 of 1938) as passed by the Legislative Assembly, be taken into consideration at once.'

"In moving this Bill for the consideration of this House, Sir, I want to say a few facts. A good deal of public criticism, discussion and debate in the other House have been made. So far as the fundamental principle of this Bill is concerned there has been a fairly unanimous opinion that the Bill is necessary. The medical profession, as you know, and members of local self-governing bodies have agreed that this Bill is necessary. Public bodies generally, and medical associations in particular, have unanimously stated that it is a necessary measure. Health associations and various voluntary bodies that have been doing public work in this

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12 noon. Province have for some time past felt the need for this Bill. Besides, even ordinary lay opinion has been clearly expressed; as far as the general principles of the Bill are concerned, there is absolutely no difference of opinion. As regards the general welcome accorded to the principle, there is one exception and that exception comes from the Secretary of the All-India Varnashrama Sangh. It has declared that this Bill is opposed to Varnashrama Swarajya Dharma; and that is the solitary exception, so far as I have been able to gather, taken to the Bill. We may give that opinion the value that it deserves. But in the face of this enormous public opinion in favour of the Bill, I do not think it is necessary to consider this solitary protest. The need for the Bill is clear.

"So far, there has been no Health Act as at present anywhere in this country. All those laws which are now used for the prevention of sanitary abuses and offences against public health have been placed in a number of statutes, as many as 14 in number, such as the Criminal Law Amendment Act, the Local Boards Act, the District Municipalities Act, the City Municipal Act and a number of other Acts. It has been found that the provisions relating to such a vitally important matter as public health should not be scattered over a number of Acts; this makes it almost impossible both for the public as well as the sanitary staff to understand and enforce them. That an Act of this nature has become necessary has been made clear by the progressive countries of the West, where an Act dealing exclusively with public health has been put into force years ago. But in making this first attempt, we are not doing anything new. We have gathered all those provisions that were found in the existing Acts that I have mentioned and we have also incorporated into those Acts measures which were found through experience to be necessary in this country. For instance, we have added separate chapters on overcrowding in houses, proper regulation of fairs and festivals, special protection for epidemic diseases, special measures for protection of people against infection, measures for protection of drinking water and specific measures for disposal of sewage. In fact all such measures as are necessary for the general well-being of the people have been incorporated. But it is in no sense a complete Act, for, even sanitary science, as many other sciences, is a progressive one. As experience grows and as science advances, it may be, in the light of the experience gained in the working of this Act, we may have to amplify it from time to time. This first Act could and should necessarily be amplified as far as it may be necessary. But in formulating this Bill, we have found these clauses necessary after much discussion and consideration. The chapters have been found to be absolutely necessary, and they have been found so necessary that unless we have those provisions, it will be very difficult for the Government to administer the public health of this Province.

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"Times were in this country when the sanitary conscience of our people was very active and acute. Religion was associated with public health and offences against public health were considered offences against religion. To such high extent was civilization prevalent in those days that no man would defile a public place or pollute the purity of drinking water without fear of punishment from Heaven for those most unholy acts. But times have changed, the country has changed and administrations have changed. Unfortunately for us, we have forgotten all those sanitary laws and if we remember, we remember more the abuses than the uses of it. Religious sanction having been removed, society has become disrupted and family ties have broken. It has become almost impossible now to remind our countrymen of those sanitary measures which once formed part and parcel of our society. In tune with modern advancement, we have found it necessary that new health laws and revelations of science have got to be made popular and public health enforced on those lines, for the general well-being. Therefore this law that we are now considering to place on the statute-book is one such measure by which we expect to advance the health of our people.

"But I will also admit that any amount of health laws as such will not ensure the health to our people. Health laws could be made and enforced. But it is the people that are finally concerned with them. Inauguration of health law necessarily means inauguration also of health education that is necessary. For instance, we, in the medical colleges—the doctors—or perhaps most of them are to-day ignorant of the health provisions in the various Acts. But if a Health Act as such is put on the statute-book, instruction could be given to them, to such medical students, Sanitary Inspectors and all those who have got something to do with public health, just as medical jurisprudence forms part of the education of every medical man. This Act also will become part of the education of the medical student, the Sanitary Inspector, the Health Officer and all those who have anything to do with the health administration of the Province. It is one great outstanding advantage which I would like you to remember more than anything else. Then you will also realize that once the rule is made, it will be possible to help those who are doing enormous propaganda, partly as Health Inspectors in season and out of season and partly as voluntary associations like the National Health Propaganda Board and like the Health Committee of the South Indian Health Propaganda Committee or the various other district committees. They will all have an education with which they will be able to call the attention of the people to the particular features of the Act, which are meant not to prosecute people as much as to make them understand that they have got to value certain laws of health, first for their own health and more so for

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the health of the general community at large. Therefore, the whole principle of this Bill is to give a sort of comprehensive text on health matters, necessarily embodying certain penal clauses, because no legislation of this sort will be complete without the penal provisions attached. But the penal provisions are not the end and aim of the Act. The aim of the Act is to make people conscientiously understand matters with regard to health and not to go and commit offences with impunity, without even the fear of any law. Therefore in framing this Act, we have taken into consideration the general level of our society as it stands to-day and as we wish it should be in future, and at the same time, we have also taken note of all those facilities that are now available for promulgating this Act and educating the general public opinion.

“ With regard to the features of this Bill, I have nothing very much to say. There are four fundamental points which I would like to place before the House. The first is the constitution of a Public Health Board. There has been some discussion with regard to the constitution of this Board. But I consider that to be a matter of detail and not a fundamental thing. The Health Board is constituted as a statutory body assisting the Ministry of Health with expert opinion wherever it is necessary, and whenever the Government are in difficulties a reference may be made to the Health Board. In fact the Health Board will be a statutory body responsible to and concerned with the general administration of the whole Province. This is one of the first features of the Bill.

“ The second is that we have now made in the various clauses contained in this Bill a necessary provision for expenditure on health measures both by the municipal councils as well as other local bodies. We have made a compulsory provision asking those bodies to spend a certain percentage of their income on public health. I may tell you incidentally that a good many of our municipal councils are indeed spending much more than the 30 per cent of the money mentioned in the Bill. There are very many other local bodies that do not spend even as much as 4 or 5 per cent. To them it will be a strain. But considering their poor finances and their inability to understand the importance of spending some money on public health measures we have put down the level to 12½ per cent in case of local bodies other than municipal councils. This, you will admit, will be a necessary measure. No local body can escape the obligation for the provision of public health of the area of which it is in charge.

“ Then the next principle contained in this Bill is the power given to the Health Department headed by the Director of Public Health. If health measures are to be properly enforced and

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• observed, a certain amount of power is absolutely necessary for the discharge of the duties of the Health Officer and of the Director of Public Health. The Director of Public Health, as the controlling authority of the Health Department of the Province, has got to co-ordinate the activities of the Health Officers in all the districts, so that a uniform health policy can be evolved and particularly in times of epidemic or when an epidemic is anticipated, when preventive measures will have to be taken. A central authority in the person of the Director of Public Health is therefore absolutely necessary. With regard to the Health Officers, enough power has been given to them to do their work untrammelled by petty animosity, party jealousy or cliques that unfortunately seem to be a feature in some of our local bodies. The Health Officer is very often distracted from his duties. The health staff is made to do other duties. In fact, I know certain municipalities where Health Inspectors have been deputed to do tax collection work to the utter neglect of the health work concerned. Therefore to avoid this unnecessary duplication of work and to conserve the health staff for the most important duties, namely, health duty, in these municipalities, we have reserved to them certain powers. But while we have done so, we have taken care that they shall not usurp the authority or the power of the executive authority concerned. We have specifically stated that in all those acts of the internal management of the particular department concerned, the Health Officer shall be supreme. But where measures have to be promulgated, the executive authority shall be taken as supreme. Therefore in all these matters we have given the Health Officer greater powers than what he has to-day.

“ Then we have also taken powers to bring pressure upon local authorities to provide wholesome water-supply, to compel them to do so during epidemics. Whether they are willing to carry it out or not, we have made it obligatory on them. With regard to fairs and festivals which are practically a common feature of the national life in our country, it has been felt that some drastic powers to safeguard the health of the people are necessary. Therefore a fairly detailed examination has been made of that question and sufficient power has been taken to protect the health of the people and to create a suitable provision with regard to fairs and festivals in this country. 12-1

“ And finally, we have also taken power to deal with the question of those people who refuse, on account of their conscientious objection, to obey certain regulations contained in the Act. I am certainly not very willing to accommodate conscientious objectors; and knowing the science to which I owe allegiance, it is impossible for me to believe that the method which I adopt will not do good to the people who come under our care.

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A question was asked, 'Do you say that your method is infallible? If you are not able to give us the assurance that your method is infallible, are you justified in enacting such a law as this and making it obligatory on the part of people who do not believe in it to resort to inoculation or vaccination? We are absolutely free from illness; we have adopted a certain mode of life and if we are let off without these express injunctions and directions to follow certain methods and allowed to lead our life in our own natural way, it is the best protection against disease.' I certainly could not agree to that proposal. My answer to that is this: 'It does not matter if you do not protect yourself, but if you do not follow what we say, you will become a danger to those who are not protected, particularly in times of epidemic. In so far as medical science has been able to provide, we give the utmost relief that we can; but if you could suggest any other remedy over and above this, then we may accept that your position is correct. But in the meantime we can only follow our method; our business is to see that you are not made a public danger in having your conscientious objection.' In view of the long discussion over this matter, we thought it necessary to include a conscience clause; on account of which it was also subsequently commented upon in the papers that we yielded to the demands of the conscientious objectors. It is not because that we found our system of vaccination defective that we yielded to the pressure of the conscientious objectors, but because we were able to evolve a method by which we are able to meet the objections of the conscientious objectors, at the same time making them quite innocuous to society by isolating them. It was under those conditions that we agreed to introduce such a conscience clause. Rules in connexion with the procedure to be adopted in putting that provision into practice will be framed. Under these rules it is proposed to make it the duty of the medical officer to go and enquire individual cases of conscientious objectors and with the help of the Health Department to impose certain restrictions on their movements and methods of living, so that they may not become a danger to the society. If a provision like that is made in the rules, it will not be possible for people to disobey or evade the health laws and make them ineffective or unworkable, because I am sure that people, generally, would consider it unworthy for them to undergo all the laborious processes and conditions which will be prescribed under the rules merely for the sake of getting themselves exempted from vaccination. At the same time, I would point out that the existence of such a provision will, I am sure, give the conscientious objector such liberty of action as he would like to take on account of his objection. It must be remembered that we are going to insist upon seeing that as many people as possible are made free from infection; and to achieve that end, we have adopted certain compulsory measures. But as against them

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we have also provided in the Act certain severe provisions which, unless a man is so conscientious, he would not think it worth while to submit to simply to evade the provision relating to inoculation and vaccination.

"Now the other explanation I have got to offer as to why we agreed to introduce a conscience clause is this: Unfortunately there are instances in western countries where this conscience clause has been admitted into their legislation. I had necessarily to confess that such a clause had found a place in their statute-book there. But the difference is this: our country has not developed such a healthy and active conscience with regard to health matters as the western countries. So I am justified in making a clause with regard to isolation, but I could not possibly deny the individual freedom conveyed in the conscience clause. We were faced with this problem. It should not be assumed that we accepted this proposition quite unreservedly. In fact it became necessary. We have not introduced any other clause which is so controversial as this, except one, viz., the clause relating to the powers vested in the Health Board and the health staff. Some people say that we have given extraordinary powers to them. To this my only reply is that we have at the same time introduced provisions in the Bill giving exemplary punishments to officers if they abuse the powers vested in them. We have stipulated three months' imprisonment and a fine of Rs. 1,000, in case the Health Officer or the health staff misuse the provisions contained in the Act. There are sanitary officers, who are good, bad and indifferent. If in the legislation a certain exemplary provision has been introduced to prevent unscrupulous officers acting in a manner which is not prescribed by the Act, it is a sufficient protection. But if we are providing such powers in the statute, it is not because that we want to impose such a Health law as this on the public, but because we want to see that a large number of people of our Province are protected from disease. It is solely in the interests of the public health of the Province that we have introduced such sections in the Act.

"Sir, it is needless for me to go into the various sections of the Bill, because they are all fairly self-explanatory. But what I feel and would like to say is that as far as the various sections of the other House were concerned, there was absolute unanimity of opinion with regard to the various provisions of the Bill. The Bill was thoroughly discussed in the Select Committee for days together, sitting from 11 to 5 and also late in the evening. Over and above this, all the sections were carefully considered in the Select Committee and the various suggestions that were made in the Select Committee have been incorporated in the Bill. Having been able to get a more or less unanimous report in the Select Committee, I may be allowed to say that I have had a perfect and

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willing co-operation from all sides of that House, and every member who took part in the debate gave his best thought to the subject. There were as many as 285 amendments suggested to the Bill, but I am glad to say that they were almost either withdrawn or were so insignificant that we chose to accept them. There have been verbal amendments here and there which we did not hesitate to accept. But in the case of fundamental amendments which went against the principles of the Bill, we could not accept them. In so far as the Bill has successfully emerged from the other House, in spite of some carping criticism, I believe I am placing before this House a fairly composite Bill for their consideration."

* KHEAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Mr. President, I am very glad that this motion ultimately to pass the Public Health Bill into an Act has been moved by the Hon. the Leader of the House to-day. We all know the high death-rate that exists both in this Province and in the City of Madras. It is a matter for congratulation that ever since the Hon. Minister for Public Health took charge of his portfolio, he has given his best attention to the principles contained in this Bill. After a great deal of work he has been able to produce a measure of this sort. So I should like to take this opportunity to offer my warmest congratulations to him.

"Sir, this, I think, is the first time when a measure of this sort has been introduced in India and I am sure that as a result of this Bill there will be tremendous improvement in the health of this Province. As has been said by the Hon. the Leader of the House, there have been three or four important points which have been brought before the House for its consideration, and those form the essential features of this Bill. The first and foremost is the Public Health Board. I am glad that this Public Health Board has been brought into existence with the Director of Public Health as its Secretary and though the functions of this Board have been prescribed in the Bill and it has been termed as an Advisory Body, I am sure that their decisions will have a tremendous effect in shaping the policy of public health in this Province. As regards the constitution of the Public Health Board, it would have been better if the Bill had been left as it was introduced by the Hon. Minister. It would have been better if the three Members of the Legislature were elected. Anyhow it is not a very important matter. All the same I feel that the Board will work well because it is a small body and there are officers in it who have an expert knowledge on the subject and I am sure that this Board will do a great deal of good work in this Province. I am glad that Madras City is included in the scope of this Bill. The late Dr. Nair used to say that Madras City was a death trap. I think therefore that Madras City was rightly included in this Bill.

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"As regards the conscientious objectors to inoculation and vaccination, I should have been personally glad if the Hon. Minister had stuck to his guns and not yielded to what the conscientious objectors stated. No doubt he has offered an explanation, the reason why he accepted their objection. But I think we ought to see whether clause 76 is going to work properly or not. The Government should see that the death-rate either in any district or districts or throughout the whole Presidency does not go higher on account of exemption given to conscientious objectors in future. If the Government find that the arrangement that has been come to does not work properly, I think it will be the duty of the Hon. Minister for Public Health to come forward once again to amend the Act in order that the provisions contained in the Act with regard to inoculation may be made compulsory. In this connexion I may add that I shall be very glad that a compulsory provision has been made in the Bill for expenditure in connexion with the Health Board. I am very glad that great powers have been given to the Director of Public Health and the Health Officers. What is wanted is a thorough co-operation between the Health Officers and the Director of Public Health. Three or four months ago the City of Madras was suffering from meningitis and the co-operation between the Health staff and the Director of Public Health at that time was of great benefit to the City; the whole City of Madras stood to gain on account of such co-operation. I am sure, if there is such co-operation between the Health Officers and the Director of Public Health with regard to the working of this measure, it would produce very good results in improving the public health of the Province. As has been rightly pointed out by the Hon. Minister in introducing the Bill, this Bill makes it compulsory on the local authorities to discharge certain duties towards those who are placed under their care as regards water-supply and fairs and festivals. On the whole I should like to say that this measure is a very progressive one for which the Hon. Minister for Public Health deserves our warmest congratulations."

* MR. D. M. REID:—"Mr. President, I am sure that all shades of opinion in this House much appreciate the clear, comprehensive and sincere manner in which the Hon. the Leader of the House has introduced this Bill. It is not necessary for me to refer to this in any way other than very briefly. We all appreciate the way in which the Government have met the wishes of different shades of opinion and made use of ideas on health of everyone concerned so that, though the credit for the Bill must remain with the Government and with the Hon. the Leader of the House particularly, I think all shades of opinion may also take credit for the part they have taken in bringing this to a successful conclusion. Sir, I have in my name two amendments; I think there are three,

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amendments altogether. I should like to suggest to this House that they may be withdrawn because the Government have fairly met the wishes of those concerned by the assurances they have given. I think this Bill is shortly becoming an Act. This is only the beginning of a very long and difficult time for Government when all its clauses are to be brought into operation, and when the Hon. the Minister for Health will be extremely fully occupied in working out how best he can give effect to this Bill. We had an example just now with regard to the Educational Councils where it was thought necessary to abolish them. There will, no doubt, be a necessity in future for amending Bills. There may be great differences in administration which will have to be considered by this and the other House in due course. I am sure we all wish the Government and the Hon. Minister well in his future labours in this connexion and congratulate him on this Bill."

SRI B. NARAYANASWAMI NAYUDU:—"Mr. President, on a previous occasion the Hon. the Prime Minister remarked with reference to one of my speeches that I have lost my commonsense. To-day I do not want to pitch my speech on a high level. I shall proceed in a light vein to-day so that I may have that commonsense which was considered to be lacking in me on another occasion. I hope to elicit also an equal amount of commonsense from the other side.

"Before I deal with the Bill proper I want to bring to the notice of the House two matters. One is, as soon as the Bill was published in the Gazette I wrote a letter requesting the Hon. the Leader of the House to send me a copy of the draft Bill. I expected a reply to it, but curiously enough I got a letter from the Secretary stating something or other; the result was nothing. I thought, Sir, that in a popular Government, at any rate, the Leader of the House would have obliged me with these things. Anyhow, he has not obliged me.

"I shall now proceed with my next point. I put down a question to the Hon. the Leader of the House specifically asking what is the amount of expenditure on Public Health establishment incurred by the several municipalities and local boards. This Bill provides that 12½ per cent of the income of local boards and 30 per cent of the income of municipalities shall be earmarked for expenditure on public health. I suppose, Sir, that the Hon. the Leader of the House should have made enquiries long before and found out whether the expenditure incurred by these local bodies on public health fell far below that standard, and therefore, had to be raised to 12½ per cent and 30 per cent respectively. For, if as a matter of fact, the local bodies are spending really as much as 12½ per cent and 30 per cent to-day, the statutory limit

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requires to be raised above that. Therefore, I thought in a matter like this, some information would be placed before the House; or, at any rate, I expected that the Minister for Health would have got those figures and given us the information when we asked for them.

"With these remarks, Sir, I wish to associate myself with the previous speakers in congratulating the Hon. the Leader of the House on introducing this Bill and bringing it to an issue before this House. But, we of the Opposition always look only for odd corners. The best things, we leave aside, though not without approbation. Therefore, if I offer a few remarks with regard to this Bill and select only some things for criticism I hope it will not be misconstrued or misconceived altogether.

"As I said, this is an excellent Bill containing a number of gems. I have picked out certain gems and I shall say a word or two about them. The first thing is clause (c) of section 4 (1):

'Three Members of the Madras Legislature nominated by the Government.'

This gem was unvarnished before, but it became varnished in the Select Committee. Instead of being 'elected members' they became nominated. I do not know, Sir, how the Select Committee has got a knack of varnishing gems. In the Minor Ports Fund Bill at first four lakhs of rupees were placed in the reserve fund, but the Select Committee converted it into 15 lakhs; but there was to be nothing for the year after next. I do not know why this Select Committee wanted these members to be nominated. Probably they did not want that the Legislature should take the responsibility of administering the measure, seeing that the Board was more or less a packed committee. Even on a packed committee, Sir, members of the Legislature can have the responsibility of seeing that things are properly done. It is now provided that three members of the Madras Legislature are to be nominated by the Government. This House may have some of its members nominated or it may have none according to the sweet will and pleasure of the Hon. the Leader of the House. I suppose, Sir, he will not be bothered about it just as the Justice party Government was bothered with regard to nomination.

"Then, we have got another gem. These gems are real gems. But the question is, whether they are malignant or beneficent gems. Section 9 (2) deals with the appointment of Health Officers. It says that the Government shall appoint Health Officers of all local authorities. Section 14 (1) says that the Health Officer in charge of any local area shall exercise supervision and control over the Public Health establishment. I wanted to find out whether in the Public Health Act and Local Government Acts in England, the parent institutions from which these local institutions have

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sprung up, the Government were armed with these powers. The Local Government Act of 1933 says that every County Council shall appoint a fit person as a surveyor, a medical officer of health or a sanitary inspector. These appointments have always been by the local County Council. I do not know what the practice is in the Western hemisphere. The Hon. the Prime Minister has referred to the Western hemisphere while speaking on the Estates Land Act Committee report; probably he may be able to enlighten us. I would like to ask the Hon. the Minister for Public Information what the practice is in Continental countries and whether the local bodies are not given this power of appointing Health Officers and whether the power is taken by the Government. The difficulty is this, Sir. Only the other day the Hon. Mr. Gopala Reddi said that the local boards should not have the power of appointing Assistant Engineers and that the Government should have the power. The Hon. the Minister for Public Health now says that the local boards should not have the power of appointing Health Officers and that he should have that power. The Hon. the Minister for Education has said that the Educational Councils were of no use and that he should have control over teachers. With the power of appointing Assistant Engineers, Health Officers and teachers taken away from the local bodies, the local bodies will become mere skeletons in the country. The Hon. the Prime Minister said that the zamindars were skeletons in the country. He will also have the local boards as skeletons in the country. After some time, the Hon. Mr. Gopala Reddi will say: 'Here is a wild animal or a lean animal and let us get rid of it.' To my mind, Sir, the whole thing seems to be a 'Thol Bommalu Natakam.' The natakam is in the hands of the district boards and it must now be taken away and vested in the Government. During the Non-Co-operation movement the Sub-Magistrates were all under the control of the District Magistrates and the Sessions Judges were all under the control of the Chief Secretariat. In my school days I used to wonder for what the District Magistrates existed, because they did not try any cases. I did not then know that they had really the strings with which they pulled all the other Magistrates. Now in this case, the Health Officer in the district will act according to the pleasure of the Health Minister, the Assistant Engineer will act according to the pleasure of the Minister for Local Administration. It may all be really good, Sir. But to my mind, whatever it may be, it seems that the local institutions ought not to be deprived of all their powers in this manner. I do not mind the local authorities being deprived of these powers; but the pity of it is that you go and ask them to levy taxation. They must levy the taxes, satisfy the people as to the necessity for the taxes and then give the proceeds of the taxes to pay the Health Officer, the Assistant Engineer and the teachers who are not under their

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control. If, as Mr. Varkey said, these local institutions are mere wild animals and deserve to be killed, I would ask the Government themselves to levy the taxes, instead of the local bodies and take the blame for them. That is the really fundamental issue. I have put it in a light vein, but we have to consider whether this 'Thol Bommalu Natakam' should be concentrated in the Secretariat or distributed in the various districts. As I have said, Sir, this provision is no doubt a gem, but it may act malignantly or beneficently.

"We have got another gem and that is contained in section 18. This gem has a characteristic spot in it. Whether there is a spot or not will be seriously debated and hon. Members like Mr. Reid may be able to speak authoritatively on the point. The clause says that a local authority may declare any lake, stream, spring, well, etc., or other source of water-supply from which water is or may be made available for the use of the public for domestic purposes to be a source of public water-supply. If in any bungalow there is good water in a well and people have been using it for drinking purposes with the sufferance of the owner of the bungalow, the local authority might say that it must become a source of public water-supply. I do not know whether it is the intention of the Government that all sources of water-supply should become sources of public water-supply, from which water may be made available for the public.

"And, then, we have got a survival of the old bureaucratic Government. The Collector is given wide powers. He has to enquire whether the provision of any additional source of water-supply is necessary for a local area; and if he finds that an additional source is necessary, then he may direct that any source of water-supply be cleaned, improved, repaired or otherwise protected from contamination. In ordinary villages there are certain wells from which water is baled out. People use that water for domestic purposes. In the summer the well dries up. According to this section, the Collector or the local authority may ask the owner of the well to dig it deeper and furnish the public water-supply. I do not think, Sir, that such is the intention of the Government but the language is capable of that construction. I have given notice of an amendment and I hope it will be considered.

"There is one other point with regard to the principles of the Bill. Never mind the gems, which I have pointed out. But from which mine do they come? The mine is in section 25. It says that any local authority may levy any tax which may be necessary for providing water-supply. As I have already said the main question is the question of taxation by local authorities. But even that taxation is not sufficient. The Government must have this mine and have the power of imposing water-rates to

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recoup themselves. Nothing is said here with regard to capital expenditure. Even in England, though the Public Health Act was passed early, inaction prevailed for a long time; no definite attempts could be made to improve public health. Even under this Bill, has any money been provided for digging and maintaining wells in our Presidency? Therefore, in this country also inaction will continue for a long time. Even in England, in the year 1934 Parliament voted a grant of one million pounds for aid for rural water-supply schemes; without such aid, public health could not be improved. There the Act was passed in 1878, but only in the year 1934 the Government came forward with a million pounds; until then the Act was in force in letter but not in spirit.

"I am referring to all these points only to show that the Act is very reasonable but it has to be supplemented with enough money. Last year a provision was made in the budget for rural water-supply scheme. I thought that some such fund would be made available in connexion with this Bill for being utilized in rural areas. I hope, as time goes on, this will be done.

"There is one other gem in the Bill to which I do not wish to refer in detail. It was said in the Lower House that it was a very vital thing. I do not wish to lay much stress on that point now and there is no use in doing so. It is stated in sub-clause (3) of clause 51 that any person easing himself in any private open space shall immediately cover up the excreta with earth.

"I submit that so far as this Bill is concerned, it is good. There are of course many gems in this Bill, but the mine is absolutely empty. I suppose that enough funds will be provided in course of time. I hope the Government will give effect to this measure with all its implications."

* DR. P. J. THOMAS:—"Sir, I rise to support this Bill because I consider it to be a necessary preliminary to the economic development of this country. In India, the average expectation of life at birth is about 26 years; it has increased from 23 or 24 to 26 during the period 1881 to 1931; in England the expectation of life is as high as 60. Our death-rate is also higher than in most other countries. Various statistics could be quoted to show the pitiable position of India in this matter, but I do not want to tire the House by recounting them. For long our rulers have been under the influence of *laissez faire*; the Government only interfered when famine or epidemics broke out; in normal times the authorities were leaving everything to the free will of the people, and the people having been accustomed to a very low

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standard of living for a long time, nobody rose against it and there was no strong public opinion to press for reform. All those who realize the poor condition of our people whether in town or country, are bound to support this Bill.

"I cannot quite understand why some opposition has been made against this Bill. Perhaps there is a feeling that the powers to be given to the Health Officers might be misused. Local bodies are now having some powers with regard to public health; they have been administering certain Acts; apparently they have not been fulfilling their duties properly. We know very well in Madras itself how open spaces in the City have been used as lavatories. I am living in a part of the City where I find every morning people squatting to answer the calls, and this is continuing in spite of the assurance of the Police that they have stopped the nuisance in that part of the City. I know how people who live in other parts of India feel when they come to Madras. To say that local bodies alone can manage these matters is to my mind, rather asking for the impossible. After all local bodies are dependent upon the votes of the people generally and they have got certain difficulties in enforcing such laws. I should certainly welcome the greater powers that are given to the Health Officers. There are indeed possibilities of their misusing them; I do not at all deny it. But, I think the Hon. Minister has made provision for this by imposing penalties. I hope the Government will see that these provisions are carefully enforced. In a country like India we have to remember that powers given to officers are more likely to be misused than in other countries; we have therefore to be jealously watching the working of the extra powers given to officers of any department.

"I fear that the significance of this measure has not been fully realized by my hon. Friend Mr. Narayanaswami Nayudu. Even in England public health was extremely bad 100 years ago. There were outbreaks of plague, smallpox and typhoid frequently in factory areas where overcrowding was pronounced; the mortality rates were very high in such localities. It was not uncommon for people in those days to live in swampy areas, and the results were disastrous. All this has changed since 1875 on account of active work by Government and local authorities and by the energetic co-operation between the Government and the people. In India, things have been rather bad for long. The Hon. Minister pointed out in this connexion that things were better in the past; I hope he is right. Perhaps owing to sparseness of population things were a little better then. But only the 'higher' classes cared for cleanliness; the aghahams were comparatively clean. One peculiarity about the Indian people in the past was that the upper castes kept the lower away by prescribing distances

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of approachability; this was in conformity with the whole structure of society in those days. There have been patches of well-kept tracts in this country; but things generally were not good. Perhaps it was due to pre-occupation with the attainment of the future world that the actual needs of this world were neglected. The question of improvement of public health should have been taken up long ago. In England the matter was in the force about the middle of the 19th century. Public conscience rose there earlier. But in India such conscience is still only vaguely felt. It is no wonder that there is opposition to this Bill at the present time.

“But can we promote public health merely by law and by imposing penalties? I think that, even in a country like India legislation can have only a low degree of efficacy. We must go beyond that; we must form a powerful public opinion and educate it systematically. After all, public health measures cannot be enforced, unless we have strong public opinion supporting the Government. As a matter of fact, there is great need for educating the people, especially the younger generation in the matter of health; that must be done in schools. I think we must carry on very much stronger propaganda in elementary schools, secondary schools and even in colleges, so that our young men and women may have proper conception of the importance of public health. People must realize that it is not enough if they are careful; the danger is as great if the neighbouring houses are infested. Every one must be interested to see that the other man's house also is kept clean. All these ideas must be inculcated strongly into the minds of our boys from the very beginning of their lives by parents and teachers. We should see that some text-books on the subject are printed and that propaganda is carried on. The Hon. Minister pointed out that propaganda is being carried on even now. Lectures are being delivered and pamphlets are published; but I fear that the propaganda that is carried on at present is rather weak. A few people who have got leisure might be attending the lectures delivered and reading the pamphlets circulated. But the common people have not been benefited by these. Public health must be taught as a compulsory part of our school course. Not only teachers but also all those who are engaged in education must be taught the elements of public health. If one individual or family in a locality neglects public health, even if all other families are careful, the locality may be liable to the worst diseases. Thus, the indifference of one person may cause the greatest injury to the community as a whole. Hence the supreme importance of public health.

“But, the most active propaganda will not suffice if the income of the masses remains at the present low level. With

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•such a despicably low standard of living as now obtains in India, we cannot expect the masses to keep a high standard in health. The common people must have better houses and more abundant amenities. A campaign for public health can only be effective if we succeed in raising the income of the working classes. At present, their income is very low. The improvement of public health is largely dependent upon the economic condition of the people. With such appalling conditions as are obtaining in this country to-day, public health cannot be improved very much. That is why I insist on this legislation being considered as a part of a large campaign against poverty and ignorance. This legislation must be accompanied by other measures like free compulsory education and by a campaign for raising the standard of living of the people and of course their income. I would appeal to the Government to consider this legislation as only a first step or instalment of a general campaign for better living. Let us push on by creating public opinion, by educating the younger generation, by doing everything possible to increase the income of the masses, i.e., by increasing production, by changing the present methods of cultivation and marketing and the vicious system of land tenures in this country. I hope these matters will be attended to immediately.”

The House then adjourned to meet again at 11 a.m. on Monday, the 30th instant.

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APPENDIX I.

[Vide answer to starred question No. 140 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 28th January 1939, page 65 supra.]

Statement.

A comparative statement showing the total excise revenue and expenditure for each of the years 1936-37 and 1937-38 and the half-year ending 30th September 1938 as also the consumption of several kinds of liquors is given below:—

	1936-37.	1937-38.	1938-39 (half-year ending 30th September 1938).
	RS.	RS.	RS.
Total excise revenue	3,96,24,802	4,03,74,613	1,79,79,110
Total expenditure	33,12,347	33,68,258	14,89,107
Consumption of arrack	9,99,804 (P.G.)	10,95,063 (P.G.)	5,31,354 (P.G.)
Spirits	72,872 (P.G.)	72,887 (P.G.)	Not avail- able.
Wines	14,980 (I.G.)	13,922 (I.G.)	Do.
Malt liquors	6,32,757 (I.G.)	5,91,989 (I.G.)	Do.
Number of trees marked.			
Coconuts	953,726	881,772	Not avail- able.
Palmyra	488,291	593,024	
Dates	656,354	629,887	
Sagos	3,327	3,419	
Total	2,101,698	2,108,102	

Revenue.—The increase in 1937-38 is mostly due to an increase in the receipts from duty on arrack.

Expenditure.—The increase in expenditure in 1937-38 over 1936-37 is only Rs. 55,911 (less than 2 per cent). It is mostly due to an increase under pay of establishment and officers as a result of grade promotions made in the course of the year and an increase under travelling allowance owing to the intense touring and several transfers consequent on the introduction of prohibition in Salem.

The expenditure up to half-year ending 30th September 1938 is Rs. 14,89,107 against Rs. 15,81,136 for the same period during 1937-38. The decrease of Rs. 92,029 during the half-year ending 30th September 1938 is due (1) to the introduction of prohibition in Salem and withdrawal of Excise staff from 1st October 1937 and (2) to the transfer of the control of the administration of Matches and Sugar (Excise Duty) Acts to the Government of India from 1st April 1938.

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Consumption of arrack.—The increase in consumption in 1937-38 over 1936-37 is only 95,259 proof gallons or 9.5 per cent. The increase occurred in the majority of districts and is attributed to the low rate of selling price of arrack, better economic conditions and rigorous steps taken to suppress illicit distillation in certain parts.

The consumption in the non-prohibition area of the province during the half-year ending 30th September 1938 amounted to 531,354 proof gallons against 541,214 proof gallons for the corresponding period of last year representing a decrease of 1.8 per cent. The decrease occurred in all districts except Vizagapatam, West Godavari, Guntur, Madras and Chittoor and is generally attributed to the unfavourable economic conditions and high selling price of arrack in certain parts. The increase in the five districts is ascribed to the low rate of selling price of arrack.

Spirits.—There is no appreciable difference in consumption in the non-prohibition areas between the figures of 1936-37 and 1937-38.

Wines.—The decrease is due to the high cost of imported wine.

Malt liquors.—Reasons for the decrease are not known.

Toddy (number of trees marked).—The increase is slight and does not call for any remarks.

2. The estimated savings in the current year up to 31st March 1939 due to the abolition of the Excise staff in Cuddapah district is Rs. 25,600 and in Chittoor Rs. 23,500.

The estimated cost of additional Police staff employed to enforce prohibition in the current year up to 31st March 1939 in Cuddapah district is Rs. 28,000 and in Chittoor Rs. 29,000.

As regards Salem a net saving of Rs. 19,000 is anticipated during 1938-39.

3. The districts in which illicit distillation crime is prevalent are Vizagapatam, East Godavari, West Godavari, Kurnool, Anantapur, Bellary, Coimbatore, Tinnevely, the Nilgiris, South Kanara and Malabar.

The duty on country spirits was reduced from 1st April 1935 by about 25 per cent throughout the Presidency to reduce the margin of profit of the illicit distiller. In the Chicacole circle of the Vizagapatam district the sale of cheap ippa arrack was introduced with effect from 1st April 1937. A special party of twelve peons is employed in this circle for detection of illicit distillation. In other areas it is the chief function of the local staff to prevent this class of crime and it is believed that in general they are doing all that is possible under the system of control prevailing in non-prohibition areas.

No other steps are under contemplation.

[28th January 1939]

APPENDIX II.

[Vide answer to starred question No. 141 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 28th January 1939, page 66 supra.]

G.O. No. 2639, P.H., dated 21st July 1938.

READ—the following papers:—

From the Surgeon-General, dated 17th December 1937,
No. 1591 Mis.

From the Director of Public Health, dated 24th March 1938,
No. 3445-1, P.H.

From the Director of Public Health, dated 9th May 1938,
No. 12488-1, P.H.

From the Surgeon-General, dated 30th May 1938, No. 2548-H.

Order—No. 2639, P.H., dated 21st July 1938.

The Conference of Public Health Ministers held at Fort St. George, Madras, on 29th December 1937 passed a resolution to the effect that rural medical practitioners should have a special course of training in the theory and practice of "public health" to enable them to discharge efficiently their duties as sanitary officers. The Government have considered the resolution in consultation with the Director of Public Health and the Surgeon-General and have decided that it should be given effect to.

2. The training, which will be in Madras, will last for a month exclusive of Sundays and will be confined to medical practitioners in charge of rural dispensaries of allopathic medicine subsidized by Government. A detailed syllabus for the course of training is printed as an appendix to this order. The Director of Public Health is requested to arrange for the training of these practitioners in batches, in consultation with the presidents of local boards concerned. During the absence of the practitioners while undergoing training the rural dispensaries may be placed in charge of substitutes on Government subsidy. The practitioners deputed for training should be paid from the funds of the local boards concerned—

(a) travelling allowance as on tour for their journeys to Madras for undergoing training and for their return journeys; and

(b) an honorarium of Rs. 25 a month during the period of the training.

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After the completion of the training a remuneration of Rs. 15 a month should be paid from the funds of the local boards concerned, to each rural medical practitioner for doing public health work. No separate travelling allowance or honorarium for inoculation or festival duty need be paid. The rural medical practitioners will, when doing public health work, be under the control of district health officers. The area for purposes of public health work should not as a rule extend to villages beyond a radius of five miles from the rural dispensary. Where this area is too heavy a charge as in deltaic tracts, it may be reduced in consultation with the district health officer.

3. The presidents of local boards are informed that in future those medical officers who have undergone training in public health work should be given preference for appointment as rural medical practitioners.

(By order of His Excellency the Governor)

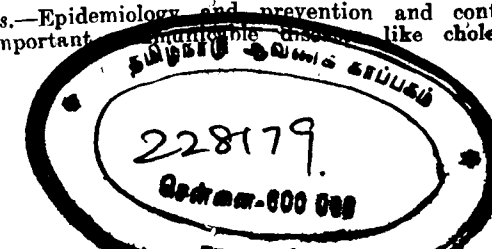
C. H. MASTERMAN,
Secretary to Government.

To the Surgeon-General.
" the Director of Public Health.
" the Principal, Indian Medical School.
" the Examiner of Local Fund Accounts.
" the Inspector of Municipal Councils and Local Boards.
" the Accountant-General.
" all presidents of district boards (with copies for presidents of panchayat boards).
" the Public (Political) Department.
" the Commissioner of Labour.

Training of Rural Medical Practitioners in public health work.

Syllabus for practical training.

1. Water-supply—Sources (wells, springs, rivers and tanks.)
Impurities in water-supply—Chemical and bacteriological and how best to conserve the sources from pollution.
Disease due to impurities in water-supply.
Inspection of water-supply and collection of samples from different sources including bore-wells and tube-wells.
Problems of water-supply in rural towns, villages and festival camps and their protection including chlorination, and testing if efficient.
Selection of sites for wells
Demonstration of use of ordinary borer for determining the nature of sub-soil water before digging up wells.
The use of pumps, repairs and their proper maintenance.
2. Communicable diseases.—Epidemiology and prevention and control of spread of the more important communicable diseases like cholera, smallpox and plague.



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Epidemic diseases—Insects and parasites.—Diseases transmitted by insects and parasites and methods of control and prevention.

Methods of prevention and control of plague, smallpox and cholera. Training in inoculation with anti-cholera, anti-plague and anti-typhoid vaccine and methods of disinfection of houses, clothes, furniture, excreta, etc.

3. *Plague.*—Observation, general ideas of rats and fleas. Dissection of rats and how to make smears, diagnosis of plague in rats.

Rat destruction—trapping, baiting and fumigation with cyanogas.

Sun disinfection, steps taken before evacuation and re-occupation—Inoculation—Fumigation of grains, etc., and personal effects.

4. *Festivals.*—Management of fairs and festivals in all their aspects—Submission of Forms I, II and III reports.

5. *Vaccination.*—Preservation of lymph under rural conditions. Technique of vaccination.

Preparation of returns—common causes of failure of vaccination—Checking of unprotected persons and unprotected cases registers.

6. *Vital statistics.*—Aims and objects of registration; population and census; importance of accuracy in registration work; errors commonly met with and their avoidance; calculation of birth and death rates and infantile mortality and maternal mortality rates. Duties of village munsifs in registration in compulsory and non-compulsory areas; legal obligations imposed on people by Act III of 1899. Rules regarding registration of still births and maternal deaths. Laws, rules and departmental orders regarding vital statistics.

7. *Food.*—Nutritive values of foods in common use and diseases attributable to food (vitamin and deficiency diseases)—food-poisoning and inspection of food. Inspection of meat, fish and other common articles of food and recognition of signs of disease.

Methods of inspection of dangerous and offensive trades with a view to licensing them with reference to existing by-laws.

8. *Hygiene of schools.*—Inspection of schools with a view to issue sanitary certificates.

9. *Rural sanitation and propaganda.*—Selection of sites for latrines; different types of latrines suitable for rural areas; demonstration of bore-hole latrines and squatting slabs.

Training in the different methods of propaganda, including operation of magic lantern and cinema apparatus and organization of other methods of propaganda, such as exhibitions.

10. *Conservancy.*—Methods of collection and disposal of rubbish and nightsoil. Trenching and compost method of nightsoil disposal—Storage of rubbish in such a way as to prevent fly-breeding. Disposal of sullage water by means of filter-wells and trenches.

11. *Soils, sites and buildings.*—Nature of soils, their relative healthiness, modes of soil pollution, improvements of unhealthy sites, site selection for various purposes including wells, burial-grounds, building sites, village sites (which to choose and which to avoid), village planning and house planning (mistakes to avoid). Relation of irrigated land to habitations; requirements of buildings used for various purposes.

12. *Maternity and child welfare.*—Aims and scope of maternity and child welfare work—Organization of schemes and duties of midwives in such schemes—Anti-natal, inter-natal and post-natal care—Study of midwifery and maternity—Morbidity and mortality rates—Practical demonstrations in Poonamallee Health unit area.

13. *Malaria.*—Preventive aspect of malaria—Demonstration of common breeding places and different types of mosquitoes. Demonstration of different methods of anti-mosquito and anti-malarial measures—Use of larvicidals, mosquito curtains, free distribution of quinine and cinchona products, and surface and subsoil drainage.

[28th January 1939]

14. *Leprosy.*—Diagnosis of early cases of leprosy—Treatment and preventive aspect of leprosy.

15. *Tuberculosis.*—Methods of diagnosis of early cases and examination of contacts—Preventive aspect of tuberculosis.

Air.—Diseases caused by impurities in air—Methods of ventilation.

16. *Venereals.*—Preventive aspect of venereal diseases.

Details of distribution of subjects of the course.

Items 1, 2, 4, 5, 6, 7, 8, 10, 11 and 12.	At Poonamallee unit area by Health Officer, Health Unit and the Assistant Director of Public Health, 15 days excluding Sundays.
Item 8—Plague	2 days—The Research Health Officer.
„ 13—Malaria	2 days—The Malaria Officer.
„ 9—Rural sanitation and propaganda.	2 days—The Rural Sanitation and Propaganda Officer.
Item 14—Leprosy	3 days—Excluding Sundays—Tirumani, Saidaput and Chief Leprosy Officer.
„ 15—Tuberculosis	3 days—Director, Tuberculosis Institute.
„ 16—Venereals	2 days—General Hospital (Venereal Specialist).

APPENDIX III.

[Vide answer to starred question No. 142 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 28th January 1939, page 67 supra.]

Statement showing the names, religion, race and caste of students sent to All-India Village Industries Association, Wardha, for training in village industries during 1937–38.

Name of the candidate.	Religion, race and caste.
First batch—	
1 P. P. Menon	Non-Brahman, Hindu.
2 V. Appavu	Do.
3 Simhadri A Chut Ramanna	Do.
4 S. Balasundaram	Do.
5 N. Rajagopalan	Do.
6 P. Lakshmanamurthy	Brahman, Hindu.
7 S. Videyanathan	Do.
8 D. V. Subba Rao	Scheduled caste.
9 K. M. K. Muhammad Sahib	Muslim.
10 V. P. Iyadurai	Indian Christian.
Second batch—	
1 P. R. Doraiswami	Non-Brahman, Hindu.
2 L. Basavaraj	Do.
3 T. V. Shanmugam	Do.
4 G. Vallinayagam	Do.
5 Pandit V. Natesan	Do.
6 V. Sivaram Bhat	Brahman, Hindu.
7 K. Suryanarayana	Do.
8 T. S. Sundaram	Scheduled caste.
9 M. A. Gaffur	Muslim.
10 K. A. Devasikhamony	Indian Christian.

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4. In sub-section (1) of section 38 of the said Act, the words " the district educational council and " shall be omitted. Amendment of section 38, Madras Act VIII of 1920.

5. Chapter IV of the said Act shall be omitted. Repeal of Chapter IV, Madras Act VIII of 1920.

6. In sub-section (1) of section 45 of the said Act, for the words " through the district educational council ", the words " through the Director of Public Instruction " shall be substituted. Amendment of section 45, Madras Act VIII of 1920.

7. In sub-section (1) of section 45-A of the said Act, the words " the district educational council and " shall be omitted. Amendment of section 45-A, Madras Act VIII of 1920.

8. In the proviso to sub-section (2) of section 47 of the said Act, for the words " the District Educational Council ", the words " the District Educational Officer " shall be substituted. Amendment of section 47, Madras Act VIII of 1920.

9. Chapter VI of the said Act shall be omitted. Repeal of Chapter VI, Madras Act VIII of 1920.

10. In sub-section (2) of section 56 of the said Act—
(i) clauses (c), (d) and (e) shall be omitted;
(ii) in clause (f), the words " by district educational councils " shall be omitted; and
(iii) clause (i) shall be omitted. Amendment of section 56, Madras Act VIII of 1920.

Madras Act II of 1934. 11. Rules 9 and 10 of the Schedule to the Madras Local Boards and Elementary Education (Amendment) Act, 1934, shall be omitted. Amendment of Schedule, Madras Act II of 1934.

Madras Act XI of 1935. 12. Section 13 of the Madras Elementary Education (Amendment) Act, 1935, shall be omitted. Repeal of section 13, Madras Act XI of 1935.

13. The accounts of every district educational council up to the date on which this Act comes into force, shall be examined and audited by an officer appointed by the Provincial Government in that behalf. Audit of accounts of district educational councils up to the commencement of the Act.

14. All orders of recognition in respect of elementary schools and all orders admitting elementary schools to aid, made or deemed to have been made by a district educational council before the commencement of this Act under sections 41 and 42 of the said Continuance of orders according to recognition or admitting schools to aid.

[28th January 1939]

Act respectively, shall be deemed to have been made by the Director of Public Instruction or by such authority as may be empowered by him after this Act comes into force to grant recognition to elementary schools or to admit elementary schools to aid, as the case may be, and any such order shall be liable to cancellation or modification as if it had been made after the commencement of this Act.

Orders of a district educational council fixing the number of free places deemed to be those of the District Educational Officer.

Devolution of properties and rights of district educational councils to Provincial Government and continuance of proceedings pending at the commencement of the Act.

• 15. All orders passed by a district educational council before the commencement of this Act under the proviso to sub-section (2) of section 47 of the said Act fixing the number of free places, shall have effect as if they had been passed after such commencement by the District Educational Officer.

• 16. (1) All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by, or for, any district educational council constituted under the said Act, including all moneys standing to the credit of the fund referred to in section 28 of the said Act, as well as all liabilities legally subsisting against such council shall, on and from the date of the commencement of this Act, pass to the Provincial Government.

(2) All proceedings taken by or against any district educational council and pending at the commencement of this Act may, after such commencement, be continued, subject to the provisions of this Act, by or against the Provincial Government or by or against such authority as may be designated by them in this behalf.

(3) Any remedy by way of application, suit or appeal available to or against a district educational council at the commencement of this Act shall, after such commencement, be available, subject to the provisions of this Act, to or against the Provincial Government.

Power of Provincial Government to suspend action.

17. The repeal of section 21 of the said Act by this Act shall not be deemed to affect the powers of the Provincial Government to act under that section in respect of any resolution passed or order issued by

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any district educational council or the president thereof before the commencement of this Act, or in respect of any act which is about to be done or is being done at such commencement.

18. If any difficulty arises in giving effect to the provisions of this Act or of the said Act as amended by this Act, the Provincial Government as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

Power to remove difficulties in giving effect to Act.

APPENDIX V.

[Vide item IV at page 81 supra.]

L.A. BILL No. 17 OF 1938.

(As passed by the Assembly.)

A Bill to make provision for advancing the Public Health of the Province of Madras.

WHEREAS it is expedient to make provision for advancing the public health of the Province of Madras; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1 (1) This Act may be called the Madras Public Health Act, 1939.

Short title and extent.

(2) It extends to the whole of the Province of Madras.

2. (1) The provisions of this Act, except Chapter IX and Part III of Chapter X, shall come into force in the whole of the Province of Madras at once.

Commencement.

[28th January 1939]

(2) The Government may, from time to time, by notification, extend all or any of the provisions of Chapter IX to any local area in the Province of Madras, and may cancel or modify any such notification.

(3) (a) The provisions of Part III of Chapter X shall come into force at once—

(i) in the City of Madras; and

(ii) in every local area which has been, or may hereafter be, declared to be a municipality under the Madras District Municipalities Act, 1920.

(b) The Government may, from time to time, by notification, extend the provisions of Part III of Chapter X to any other local area in the Province of Madras, and may cancel or modify any such notification.

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context—

(1) "Building" includes—

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without foundations; and

(c) a ship, vessel, boat, tent, van and any other such structure used for human habitation.

(2) "Cattle" includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goats and pigs and the young ones of these species.

(3) "Dairy" includes—

(a) any farm, cattle-shed, milk-store, milk-shop, or other place from which milk is sold or supplied for sale, or in which milk is kept for sale or manufactured for sale into butter, ghee, cheese, cream, curds, buttermilk, or dried, sterilized or condensed milk; and

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(b) in relation to a dairyman who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk, but does not include—

(i) a shop or place in which milk is sold for consumption on the premises only; or

(ii) a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place.

(4) "Dairyman" includes any person who sells milk, whether wholesale or by retail.

(5) "Drain" means a house-drain or a drain of any other description, and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water, or sub-soil water.

(6) "Drug" means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine.

(7) "Dwelling house" means a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connexion therewith.

(8) "Executive Authority" means the Commissioner, Chairman, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be.

(9) "Executive Officer" means the paid officer, if any, of the local authority who is vested with general executive powers in the local area for which such authority is constituted under the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be.

Madras Act
IV of 1919.
Madras Act
V of 1920.
Madras Act
XIV of 1920.

Madras Act
IV of 1919.
Madras Act
V of 1920.
Madras Act
XIV of
1920.

[28th January 1939]

- (10) "Factory" means any premises including the precincts thereof, wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency.
- (11) "Filt" means—
- (a) nightsoil and other contents of latrines, cesspools and drains ;
 - (b) dung and the refuse or useless or offensive material thrown out in consequence of any process of manufacture, industry or trade ; and
 - (c) putrid and putrefying substances.
- (12) "Food" includes every article consumed or used by man, for food, drink, or chewing, and all materials used or admixed in the composition or preparation of such article and shall also include flavouring and colouring matter and condiments.
- (13) "Government" means the Provincial Government as defined in clause 43 (a) of section 3 of the General Clauses Act, 1897. ^{X of 1897}
- (14) "Health Officer" means the Health Officer employed by the local authority concerned and if there is no such officer, the Health Officer of the district.
- (15) "House-drain" means any drain actually used, or intended to be used, for the drainage of one or more premises.
- (16) "Hut" means any building which is constructed principally of wood, mud, leaves, grass, thatch, or metallic sheets, and includes any temporary structure of whatever size or any small building of whatever material made which the local authority may declare to be a hut for the purposes of this Act.
- (17) "Infectious disease" means an infectious disease as defined in section 52 and includes notified disease as defined in section 62.

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- (18) "Latrine" includes privy, water-closet and urinal, whether public or private, or whether open or flush out.
- (19) "Local area" means the area within the jurisdiction of a local authority.
- (20) "Local authority" means—
- (a) in the City of Madras, the Corporation of Madras ;
 - (b) in any other municipal area, the municipal council concerned ;
 - (c) in any area in a district as defined in the Madras Local Boards Act, 1920, which is comprised within the jurisdiction of a panchayat, the panchayat concerned ; and
 - (d) in the case of all areas in a district defined as aforesaid, which are not comprised within the jurisdiction of a panchayat, the district board concerned.
- (21) "Lodging house" means a hotel, a boarding house, a choultry, dharmasala or rest-house not maintained by the Government or a local authority, an unlicensed emigration depot, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment, but does not include—
- (a) a students' hostel under public or recognized control, or
 - (b) a house licensed under section 125 for accommodating visitors to a fair or festival, or
 - (c) retiring rooms provided in railway premises for the use of passengers or railway servants.
- (22) "Magistrate" does not include an honorary or a village magistrate.
- (23) "Milk" means the milk of a cow, buffalo, goat, ass, or other animal and includes cream, skimmed milk, separated milk, and condensed, sterilized or desiccated milk, or any other product of milk.
- (24) "Notification" means a notification in the Official Gazette.

Madras Act
XIV of 1920.

[28th January 1939]

- (25) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right.
- (26) "Occupier" includes—
- (a) any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part; and
 - (b) a rent-free occupant.
- (27) "Offensive matter" includes—
- (a) filth as defined in clause (11);
 - (b) sewage as defined in clause (33); and
 - (c) dirt, house sweepings, spittings including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris and waste paper.
- (28) "Offensive trade" means any trade in which the substances dealt with are, or are likely to become, a nuisance.
- (29) "Owner" includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate or for any religious or charitable purposes, the rent or profits of the property in connexion with which the word is used.
- (30) "Prescribed" means prescribed by the Government by rules made under this Act.
- (31) "Private street" means any street, road, square, court, alley, lane, passage or riding-path which is not a "public street," but does

• 28th January 1939]

not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises.

- (32) "Public street" means any street, road, square, court, alley, lane, passage or riding-path, whether a thoroughfare or not, over which the public have a right of way and includes—

- (a) the roadway over any public bridge or causeway;
- (b) the footway attached to any such street, public bridge or causeway; and
- (c) the drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, veranda, or other structure which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Crown.

- (33) "Sewage" means nightsoil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kinds.

- (34) "Street" means a public or a private street.

- (35) "Urban local area" means the area within the jurisdiction of an urban local authority.

- (36) "Urban local authority" means—

- (a) the Corporation of Madras; or
- (b) a municipal council; or
- (c) any panchayat notified by the Government as an urban local authority for the purposes of this Act, so long as the notification remains in force.

- (37) "Venereal disease" means syphilis, gonorrhœa, soft chancre, venereal granuloma or lympho granuloma.

- (38) "Water-course" includes any river, stream or channel, whether natural or artificial, other than a drain.

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(39) "Workplace" means any premises including the precincts thereof (not being a factory or a workshop) wherein is carried on any industrial, manufacturing or trade process, at which not less than five persons are employed for wages or any other remuneration.

(40) "Workshop" means any premises including the precincts thereof (not being a factory) wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

CHAPTER II.

CONTROLLING AUTHORITIES AND THEIR POWERS.

Public Health Board.

Constitution
of the Public
Health
Board.

4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for the Province of Madras a Public Health Board consisting of the following members, namely:—

- (a) The Minister for Public Health ;
- (b) the Minister for Local Administration ;
- (c) three Members of the Madras Legislature nominated by the Government ;
- (d) the Surgeon-General with the Government of Madras ;
- (e) the Director of Public Health ;
- (f) the Sanitary Engineer ; and
- (g) one other officer of the Government nominated by the Government.

(2) Members nominated under clause (c) of sub-section (1) shall hold office for a period of one year from the date of nomination, but shall be eligible for re-nomination.

(3) The Minister for Public Health shall be the President of the Public Health Board and the Director of Public Health shall be its Secretary.

28th January 1939]

5. (1) The Public Health Board shall advise the Government on such matters as the Government may from time to time refer to it. Functions of the Public Health Board.

(2) The meetings of the Board and the mode of transaction of business at such meetings shall be governed by such regulations as may be framed by it.

(3) The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the President, the Secretary, or a member.

Powers of the Government and of the Director of Public Health.

6. (1) The Government shall have power to inspect, control and superintend the operations of local authorities under this Act. Powers of the Government and of the Director of Public Health and his staff.

(2) The Government may, from time to time, define the powers to be exercised, and the duties to be performed, by the Director of Public Health or any member of his staff for the purposes of sub-section (1).

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to affect, or derogate from, any powers possessed by the Government or the District Collector under any other law for the time being in force.

7. The Director of Public Health may, from time to time as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the public health administration in the local area, or for safeguarding the public health therein : Powers of the Director of Public Health to advise local authorities.

Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.

Public Health Establishments of Local Authorities.

8. (1) The public health establishment of every local authority (other than the Corporation of Madras) shall be on such scale as the Government may from time to time direct. Public Health staff in local areas.

[28th January 1939]

(2) The authorities who may make appointments to the public health establishments referred to in sub-section (1), the conditions of service of the members of such establishments, and the duties of such members shall, notwithstanding anything contained in the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, be governed by regulations, not inconsistent with this Act, made by the Government. Such regulations may lay down the extent to which the Director of Public Health shall have disciplinary control over the members of such public health establishments.

Madras Act
V of 1920.
Madras Act
XIV of
1920.

Appoint-
ment of the
Health
Officer.

9. (1) A local authority shall, if so required by the Government, include the post of a Health Officer in its establishment schedule.

(2) Notwithstanding anything contained in the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, the Government --

Madras Act
V of 1920.
Madras Act
XIV of
1920.

(a) shall appoint the Health Officers of all the local authorities (other than the Corporation of Madras) in respect whereof a direction is issued under sub-section (1); and

(b) may recover from each such local authority, the whole or such proportion of the salary and allowances paid to the Health Officer, and such contribution towards his leave allowances, pension and provident fund as the Government may, by general or special order, determine.

Appoint-
ment of
temporary
Health
Officers
in emer-
gencies.

10. (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the Government may, by order, appoint temporarily for such period as may be specified therein, one or more additional Health Officers, for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of, and preventing, such mortality, as the case may be.

(2) For the purpose of sub-section (1) the Government may appoint any medical practitioner registered under the Madras Medical Registration Act, 1914, either on an honorary basis or on such

Madras Act
IV of 1914.

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salary or allowances or both as the Government may fix. The salary and allowances shall be payable from the funds of the local authority.

11. The Government may, by general or special order, authorize any officer of the Government or of a local authority, to exercise such of the powers of a Health Officer under this Act, in such area, and subject to such restrictions, limitations and conditions and to such control and revision, as may be specified in such order.

Delegation
of powers of
Health
Officer.

12. (1) Notwithstanding anything contained in this Act or in any other Act or Acts governing the local authority or authorities concerned, the Government may, by general or special order, appoint any person or persons to carry out such provisions of this Act, and in such areas, as may be specified in the order.

Appoint-
ment of
persons to
carry out
the provi-
sions of this
Act.

(2) The expenses incurred by such person or persons in doing so shall be met from the funds of the local authority or authorities concerned, either wholly or in part, and, where more than one local authority is concerned, in such proportions, as may be determined by the Government.

13. (1) Subject to such rules as may be prescribed including rules for consultation with the executive authorities concerned, the Director of Public Health shall have power--

Powers of
Director of
Public
Health over
public
health staff
of local
authorities.

(a) to transfer any member of the public health establishment of a local authority to the public health establishment of another local authority; and

(b) in times of emergency, to assign one or more members of the public health establishment of one local authority for temporary duty in the area of another local authority.

(2) Nothing contained in clause (a) of sub-section (1) shall apply to the Corporation of Madras.

(3) In the case referred to in clause (b) of sub-section (1), the local authority within whose jurisdiction the member or members of the public health

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establishment of another local authority are working, shall pay for the period of such temporary duty, the salary and allowances of such member or members and such contribution towards their leave allowances, pension and provident fund as the Government may, by general or special order, determine.

Health Officer's control over public health staff. 14. (1) The Health Officer in charge of any local area shall exercise supervision and control over all other members of the public health establishment in such area.

(2) (a) Save as otherwise provided in this Chapter or in any rules or regulations made under it, all appointments, transfers and punishments of the members of the public health establishment under the supervision and control of the Health Officer shall be made by the Health Officer, subject to the approval of the executive authority.

(b) If for any reason the executive authority disagrees with the orders of the Health Officer under clause (a), the executive authority shall refer the matter to the Government whose decision shall be final.

Local authority to provide adequate facilities to the Health Officer. 15. Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery, and forms as may in the opinion of the Director of Public Health be necessary for the proper conduct of the business of such Health Officer.

Authorization of Health Officer to perform the functions of executive authority in public health matters. 16. Notwithstanding anything contained in the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Madras Prevention of Adulteration Act, 1918, and the Places of Public Resort Act, 1888, the Health Officer of a local authority shall perform such of the functions, and discharge such of the duties, of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as the Government may, by general or special order, determine.

Madras Act IV of 1919.
Madras Act V of 1920.
Madras Act XIV of 1920.
Madras Act III of 1918.
Madras Act II of 1888.

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CHAPTER III.

WATER-SUPPLY.

17. (1) Every local authority may, and if the Government so direct shall, provide or arrange for the provision of a sufficient supply of drinking water for consumption by the inhabitants of the area within its jurisdiction. Local authority to provide potable water.

(2) The local authority shall, so far as may be practicable, make adequate provision for securing—

(a) that the water-supply is continuous throughout the year, and

(b) that the water supplied is at all times wholesome and fit for human consumption.

(3) A local authority may also provide or arrange for the provision of a sufficient supply of water for other domestic purposes or for non-domestic purposes.

18. (1) If in the opinion of the Government, a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authority or authorities having jurisdiction over any local area or areas in the neighbourhood which are similarly situated, to execute within such time as the Government may fix, such works as may be directed by the Government for providing a sufficient supply of wholesome water fit for human consumption. Power of Government to direct local authority to execute water-work

(2) A local authority may, with the previous sanction of the Government—

(a) construct, lay, or erect filters, reservoirs, engines, conduits, pipes or other works without the limits of its local area, for supplying such area with water;

(b) purchase or take on lease any water-work, or any water, or any right to store or to take or convey water, either within or without the limits of its local area; and

(c) contract with any local authority or other person or agency for the supply of water.

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(3) A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond, or other source of water-supply, whether within or without the limits of its local area (other than a source under the control of the Government), from which water is or may be made available for the use of the public in the local area for domestic purposes, to be a source of public water-supply for such purposes and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes.

Power of Government to divert water from water-main belonging to a local authority.

19. The Government shall have power to take water from any water-main belonging to, or in the control of, a local authority for supplying water to any other area, subject to such payment being made to the local authority concerned and subject also to such other conditions as the Government may consider reasonable :

Provided that before taking action under this section, the Government shall communicate to the local authority the grounds on which they propose to do so, fix a reasonable period for the local authority to show cause against the proposal, and consider its explanations or objections, if any.

Power of Collector in regard to water-supply.

20. (1) The Collector of the district, or any other officer appointed by the Government in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining—

(a) whether the source of water-supply for such local area or part is contaminated from any cause against which effective means of protection can be taken, and

(b) whether the provision of any additional source or sources of water-supply is necessary for such local area or part.

(2) The Collector or other officer aforesaid may, after taking into consideration the result of such inquiries, by notice, direct that any source of water-supply be cleaned, improved, repaired or otherwise

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protected from contamination, or that such additional source or sources of water-supply be provided, as the case may be :

Provided that before issuing a notice under this sub-section, the Collector or other officer shall give the authorities or persons affected, a reasonable opportunity to make any representations they may wish to make and consider the same.

(3) Against any direction issued by the Collector or other officer under sub-section (2), an appeal shall lie to the Government whose decision shall be final.

(4) (a) Every notice issued under sub-section (2) shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authority or authorities or the person or persons by whom, and the period within which, they are to be executed.

(b) The notice shall either—

- (i) be published in the prescribed manner ;
- or
- (ii) be served on the local authority or on the person owning or having control over the source of water-supply, as the case may be, in the prescribed manner.

(5) If the directions contained in any notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may, on sufficient cause being shown, extend the period specified in the notice, or modify or rescind any direction contained therein.

(6) (a) If a water-tax is imposed in the local area, the cost of carrying out the works specified in the notice issued under sub-section (2), whether such works are executed by the authority or persons specified therein or under sub-section (5) by the officer issuing the notice, shall be borne by the local authority concerned.

(b) If no water-tax is imposed in the local area, such cost shall be borne by the inhabitants of the local area who, on inquiry, are found to be benefited by the works or shall be shared between such inhabitants and the local authority concerned in such proportions as may be determined by the Government.

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Explanation.—For the purposes of this sub-section, 'water-tax' means—

- (a) a tax levied under section 25 of this Act, or
- (b) a water and drainage-tax levied under section 81 (1) (b) of the Madras District Municipalities Act, 1920, or under section 99 (1) (b) of the Madras City Municipal Act, 1919, Madras Act V of 1920. Madras Act IV of 1919.
- or
- (c) a tax levied under section 75 (2) of the Madras Local Boards Act, 1920, for the specific purpose of executing, maintaining or improving any work for the supply of water. Madras Act XIV of 1920.

Power of Director of Public Health to direct local authority to improve water-supply.

21. If the Director of Public Health is satisfied upon investigation that any source of public water-supply in a local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is, in his opinion, desirable, he may, by order, direct the local authority to take such measures as may be specified therein; and the local authority shall take action accordingly.

Railway administrations to submit samples of drinking water for analysis.

22. In the case of any railway in the Province of Madras, the Government may, by general or special order, require the authority administering the railway to submit for analysis, to such person or institution, in such manner, and at such intervals, as may be prescribed, samples of drinking water supplied by such authority at any station or stations on such railway. For such analysis, the authority aforesaid shall pay to the Government such fee as may be prescribed by them.

Rules for the protection and periodical examination of water-supply. Health Officer's powers in regard to insanitary sources.

23. The Government shall have power to make rules providing for the protection and periodical examination of sources of water-supply in the Province.

24. (1) The Health Officer may at any time by written notice require that the owner of, or any person having control over, any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice,

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or in any case falling under clause (d) within such time as may be specified in the notice not being less than thirty-six hours from the receipt thereof—

- (a) keep and maintain any such source of supply in such manner as the Health Officer may direct; or
- (b) cleanse any such source of water-supply from silt, refuse and vegetation; or
- (c) protect any such source of water-supply from pollution by surface drainage in such manner as the Health Officer may direct; or
- (d) fill in, repair, protect or enclose in such manner as the Health Officer may direct, any such source of water-supply, if for want of sufficient repair, protection or enclosure, such source of water-supply is in his opinion dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same; or
- (e) desist from using, and from permitting others to use, for drinking purposes any such source of water-supply if, in the opinion of the Health Officer, the water is unfit for drinking; or
- (f) close any such source of water-supply, either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if in his opinion the water is unfit for drinking; or
- (g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighbourhood:

Provided that the provisions of clauses (a) and (d) shall not apply to a stream:

Provided further that a notice shall not be issued under clause (f) unless a notice has first been

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issued under clause (e) and the source of water-supply in question continues to be used for drinking purposes notwithstanding the issue of such notice, and the Health Officer considers that such use cannot be prevented otherwise than by the issue of a notice under clause (f).

(2) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may, if immediate action is necessary to protect the health or safety of any person or persons, at once proceed to execute the work specified in such notice; and all the expenses incurred in respect thereof by the Health Officer shall be paid by the owner of, or person having control over, such source of water-supply, and shall be recoverable as if it were a tax due to the local authority concerned:

Provided that in the case of any private source the water of which is used by the public or by any section of the public as of right, the expenses which have been incurred by the Health Officer or which, in the opinion of the local authority, have been necessarily incurred by the owner of, or person having control over, the source of water-supply shall be paid from the funds of the local authority.

Levy of water-tax and earmarking the proceeds for water-works.

25. (1) Any local authority may with the previous sanction of the Government, and shall, if so directed by them, levy within its area or any part thereof, any tax which may be necessary for providing water-supply in such area or part.

(2) Any tax levied under sub-section (1) may be a new tax levied on such basis and assessed and realized in such manner as may be sanctioned or directed by the Government, or may be a tax or additional tax levied under any head of taxation specified in any law for the time being in force governing the local authority concerned in which case all the provisions of such law relating to the incidence, assessment or realization of a tax under such head or in any manner connected therewith shall be applicable to the tax or additional tax, with such modifications and restrictions, if any, as may be prescribed.

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(3) (a) The rates at which any tax may be levied under this section shall be determined by the local authority with the previous sanction of the Government in case the tax is levied by the local authority of its own motion, and by the Government in case the tax is levied at their direction.

(b) The local authority may with the previous sanction of the Government and shall, if so directed by them, alter the rates at which any such tax is to be levied.

(4) (a) Every local authority levying a tax under this section shall earmark the net revenue therefrom for expenditure on the execution, maintenance and improvement of works of water-supply in the local area or part thereof within which it is levied.

(b) Such revenue shall be expended in accordance with such orders as may be issued by the Government in this behalf.

(5) Nothing contained in this section shall be deemed to affect the power of the Corporation of Madras to levy a water and drainage tax under section 99 (1) (b) of the Madras City Municipal Act, 1919, or of any municipality governed by the Madras District Municipalities Act, 1920, to levy a water and drainage tax under section 81 (1) (b) of that Act.

26. No owner of any dwelling-house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from an officer of the Public Health Department of the local authority concerned, not below the rank of Health or Sanitary Inspector, that there is within the house, or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house.

New house not to be occupied without adequate water-supply.

CHAPTER IV.

DRAINAGE.

27. (1) Every urban local authority shall, so far as the funds at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual draining of its local area.

Local authority to maintain public drains.

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(2) If, in the opinion of the Government, any local area or part thereof should, for any special reason, be provided with a system of public drains or with any other means of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by them in this behalf, such works as may be considered necessary by them.

(3) The local authority shall at all times keep in good repair all drains, cesspools and the like vested in or belonging to them.

Power of
Health
Officer to
require
drains to be
constructed.

28. (1) If any premises are in the opinion of the Health Officer without sufficient means of effectual drainage, he may, by notice, direct the owner of such premises to construct a drain leading therefrom to the nearest public drain or other place set apart by the local authority for the discharge of sewage :

Provided that—

(a) the cost of constructing that portion of the drain which is situated more than one hundred feet from the said premises, shall be paid from out of the funds of the local authority concerned ; and

(b) if, in the opinion of the Health Officer, there is no public drain or other place set apart for the discharge of sewage within a reasonable distance of such premises, he may, by notice, require the owner of the premises to construct—

(i) a closed cesspool, tank, filter or other work of such material, size and description, as he may direct ; and

(ii) a house-drain communicating with such closed cesspool, tank, filter or other work.

(2) Where by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct or alter any drain, the

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cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority, or wholly by the owner, or partly by the local authority and partly by the owner, in accordance with such rules as may be prescribed.

29. Where a house-drain belonging to one or more premises has been laid in any private street which is common to more than one premises and the Health Officer considers it desirable that any other premises should be drained into such drain, he may, by notice, require the owner of such premises to connect his house-drain with such first-mentioned drain ; and the owner or owners of such first-mentioned drain shall thereupon be bound to permit such connexion to be made :

Provided that no such connexion shall be made—

(a) except upon such terms as may be mutually agreed upon between or among the owners concerned, or

(b) in default of such agreement, except upon such terms as may be laid down by the local authority and in particular, until any payment which may be directed by the local authority to be made to the owner or owners concerned, has been duly made.

30. (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such material, as may be considered by the Health Officer to be practicable, having regard to the circumstances of the locality and the position of the nearest public drain or other place set apart by the local authority for the discharge of sewage.

(2) If the Health Officer considers that a new drain should be constructed for the benefit of the occupants of any hut, he may, by notice, require the owner of the land on which such hut stands, to construct such drain and such owner shall construct such drain, and cause it to be cleansed and repaired to the satisfaction of the Health Officer.

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Drainage of
court, yard,
alley,
passage, etc.

31. For the purpose of efficiently draining any land or building, the Health Officer may, by notice, require the owner of any court, yard, alley, lane, passage or open space—

(a) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or

(b) to raise the level of such court, yard, alley, lane, passage or open space.

Explanation.—It shall be open to the Health Officer to require that in any case both the measures specified in clauses (a) and (b) of this section shall be taken.

Construction
and closure
of cesspools.

32. (1) No person shall construct a cesspool—

(a) beneath any part of any building or within fifty feet of any tank, reservoir, water-course or well or within such other distance therefrom as the Health Officer may consider to be practicable having regard to the circumstances of the locality; or

(b) within any local area, or outside such area but within three hundred feet of any reservoir used for the storage of filtered water to be supplied to such area, except upon a site and in a position which have been approved in writing by the Health Officer.

(2) The Health Officer may, at any time, by notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (1) to remove such cesspool or to fill it up with such material as may be approved by him.

Prohibition
of occupa-
tion of new
building
without
drains.

33. No owner of any building constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from the Health Officer that the building has been provided with sufficient means of drainage.

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34. No person having control over any building or land shall cause or allow—

Sullage or
sewage not
to be let out
into streets.

(a) the water of any sink, sewer, latrine or sanitary convenience, or any other liquid or other matter which is, or is likely to become, offensive, to run or drain into, or to be thrown or put upon, any street or open space or to soak through any external wall; or

(b) any offensive matter from any sewer, latrine or sanitary convenience, to run, drain or be thrown into a surface drain in any street.

35. No person shall, save as may be generally or specially prescribed, throw, empty, or turn, or suffer or permit to be thrown, emptied or turned or to pass, into any public drain, or into any drain communicating with a public drain—

Injurious
refuse not
to be dis-
charged into
public
drain.

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of such contents; or

(b) any liquid being refuse or steam or other liquid which is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any explosive or inflammable substance.

36. No person shall, save as may be generally or specially prescribed—

Pollution of
water-
courses
prohibited.

(1) put, or cause to be put, or cause to fall or flow or be carried, or knowingly permit to be put or to fall or flow or be carried, into any water-course—

(a) any solid or liquid sewage matter, or

(b) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or

(2) put, or cause to be put, or cause to fall or be carried, or knowingly permit to be put or to fall or be carried, into any water-course, so as, either singly or in combination with other similar acts of the same or any other

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person, to interfere with the due flow of such water-course, or to pollute the water therein, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or putrid solid matter, or

- (3) commit nuisance in or in the neighbourhood of any water-course.

CHAPTER V.

SANITARY CONVENIENCES.

Obligation of local authority to provide public sanitary conveniences. 37. Every local authority shall provide and maintain in proper and convenient places a sufficient number of sanitary conveniences for the use of the public and cause all such places to be kept in proper order so as not to be a nuisance or injurious to health.

New houses to be provided with sanitary conveniences. 38. If in any local area any building intended for human habitation is constructed or is reconstructed after being pulled down to or below the ground floor, the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.

Additional sanitary conveniences. 39. (1) If any building intended for human habitation is without any sanitary convenience or if, in the opinion of the Health Officer, the sanitary convenience or conveniences provided therein are insufficient, having regard to the number of persons occupying the building, or are inefficient, or are objectionable on sanitary grounds, he may, by notice in writing, require the owner of such building—

(a) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions, as may be specified in the notice; or

(b) to make such structural or other alterations as may be specified in the notice.

(2) Every owner of the ground on which a group of six or more huts stands shall provide such latrine accommodation, in such positions, and within such time as the Health Officer may, by notice, require, for the use of the inhabitants of such group of huts.

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40. (1) All latrines shall—

(a) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood; and

Mode of construction of latrines.

(b) be maintained, repaired, altered and used in accordance with the rules and by-laws made under this Act.

(2) If any latrine opening on any street, whether such latrine be erected before or after the commencement of this Act, is so placed or constructed as to be a nuisance or offensive to public decency, the Health Officer may, by notice in writing, require the owner to remove it or to carry out such improvements therein and within such time as may be specified in the notice.

(3) When any latrine is used in common by the occupiers of two or more premises or by the members of two or more families, no person shall injure or improperly foul any such latrine or anything used in connexion therewith.

CHAPTER VI.

ABATEMENT OF NUISANCES.

41. Without prejudice to the generality of the definition of the expression "nuisance" contained in clause (25) of section 3, the following shall be deemed specifically to be nuisances for the purposes of this Chapter:—

Certain things to be nuisances.

(1) any premises in such a state as to be prejudicial to health or a nuisance;

(2) any pond, pool, ditch, gutter, water-course, water-trough, latrine, cesspool, drain or ashpit which is so foul or in such a state as to be prejudicial to health or a nuisance;

(3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

(4) any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance;

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- (5) any factory (not being a factory governed by the provisions of the Factories Act, 1934), workshop or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so overcrowded while work is carried on as to be prejudicial to the health of those employed therein ;
- (6) any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bake-house or gaswork, or in any manufacturing or trade process whatsoever ;
- (7) any chimney sending forth smoke in such quantity as to be a nuisance ; and
- (8) any noise, vibration, dust, cinders, irritating smell or offensive odour produced by a factory, workshop or workplace which is a nuisance to the neighbourhood.

Detection of nuisance.

42. Every urban local authority shall—

- (a) cause its local area to be inspected from time to time with a view to ascertain what nuisances exist therein calling for abatement under the powers conferred on such authority by this Act ; and
- (b) enforce the provisions of this Act in order to abate such nuisances.

Information regarding nuisance.

43. Any person aggrieved by a nuisance in any local area may give information of the same to the Health Officer or any other officer of the public health establishment of the local authority.

Power of Health Officer to abate nuisance.

44. If the Health Officer is satisfied, whether upon information given under section 43 or otherwise of the existence of a nuisance, he may, by notice, require the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found, the owner or occupier of the premises

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- on which the nuisance arises or continues, to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose :

Provided that—

- (a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises ; and
- (b) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the Health Officer may himself forthwith do what he considers necessary to abate the nuisance and to prevent a recurrence thereof.

45. If the person on whom a notice to abate a nuisance has been served under section 44 makes default in complying with any of its requirements within the time specified therein, or if the nuisance although abated within such time is, in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of any works necessary to abate the nuisance, or to prevent its recurrence, as the case may be, and may recover the cost from such person as if it were a tax due to the local authority.

46. Where a house or other building is, in the opinion of the Health Officer, unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate (not being a Magistrate of the third class) to prohibit the use of such house or building for human habitation until it is rendered fit therefor.

47. (1) A local authority may sell any materials which have been removed by it from any premises (including any street), when executing works under this Chapter or otherwise carrying into effect the provisions thereof, if such materials are not claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority.

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(2) A local authority selling any materials under sub-section (1) shall pay the sale-proceeds to the person to whom the materials belonged, after deducting therefrom the amount of any expenses recoverable from him by such authority.

(3) The provisions of this section shall not apply to any offensive matter removed by a local authority under the Act governing such authority.

Powers of entry and inspection.

48. The executive authority or any officer of the Public Health Department of the Government or of the local authority, not below the rank of Health or Sanitary Inspector, may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this Chapter :

Provided that—

(a) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise ;

(b) no dwelling house shall be so entered without the consent of the occupier thereof, unless he has received at least twenty-four hours previous notice of the intention to make such entry ;

(c) sufficient notice shall in every case be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy may be preserved ; and

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises.

Power of Government in case of default by local authority.

49. If the local authority or its Health Officer makes default in doing its or his duty under this Act in regard to the abatement or prevention of nuisances, the Government may authorize any of their officers to perform such duty and for that purpose to exercise any specified powers of the local authority or of its Health Officer or of both, in the local area concerned and the expenses incurred by such officers shall be met from the funds of the local authority.

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50. If a nuisance under this Act within, or affecting any part of, a local area, appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances, authorized by this Act in the like cases and with the like incidents and consequences as if the act or default were committed or took place wholly within such local area.

51. (1) No person shall deposit, or cause or suffer any member of his family or household to deposit, any carcasses of animals, any dust, dirt, dung, ashes or refuse or filth of any kind, any animal matter, any broken glass, earthenware or other rubbish, or any other thing which is or may be a nuisance, in any street or in any arch under a street, or in any drain, beside a street, or on any open space (not being private property), or on any quay, jetty or landing place, or on any part of the sea-shore, or on the bank of any water-course, except in such receptacles as may be provided or at such places, in such manner and at such hours, as may be fixed by the Health Officer.

(2) No person shall ease himself, or cause, permit or suffer any member of his family or household to ease himself, in any such street, arch, drain, open space, quay, jetty, landing place, sea-shore or bank aforesaid.

(3) Any person easing himself in any private open space shall immediately cover up the excreta with earth.

CHAPTER VII.

PREVENTION, NOTIFICATION AND TREATMENT OF DISEASES.

Part I.

Infectious diseases in general.

52. For the purposes of this Part, 'infectious disease' means (a) acute influenzal pneumonia, (b) anthrax, (c) cerebro-spinal fever, (d) chickenpox, (e) cholera, (f) diphtheria, (g) enteric fever, (h) leprosy, (i) measles, (j) plague, (k) rabies, (l) relapsing fever, (m) scarlet fever, (n) smallpox, (o) tuberculosis, (p) typhus or (q) any other disease which

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the Government may from time to time, by notification declare to be an infectious disease either generally throughout the Province or in such part or parts thereof as may be specified in the notification.

Appoint-
ment of
additional
health staff.

53. (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of such mortality, and preventing it, as the case may be :

Provided that, if the local authority does not agree with the opinion of the Health Officer, the matter shall be referred to the Director of Public Health whose decision shall be final.

(2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interests of public health, he may, notwithstanding anything contained in sub-section (1), appoint such additional staff and obtain such medicines, appliances, equipment and other things as may be necessary ; and the expenses incurred in respect thereof shall be met from the funds of the local authority.

(3) Every appointment made under sub-section (2) shall be reported forthwith to the executive authority and by such authority to the local authority concerned at its next meeting.

Provision
and
maintenance
of isolation
hospitals
and wards.

54. (1) (a) The local authority may, and if so required by the Government shall, provide or cause to be provided, hospitals, wards or other places for the reception and treatment of persons suffering from infectious diseases.

(b) For the purpose of the reception and treatment of such persons a local authority may—

- (i) itself build such hospitals, wards or places of reception, or
- (ii) contract for the use of any such hospital or part of a hospital or place of reception, or

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- (iii) enter into an agreement with any person having the management of any such hospital, for the reception and treatment therein of persons suffering from infectious diseases.

(c) For the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception.

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards or places of reception in question are maintained in accordance with such general or special orders as may from time to time be issued by the Director of Public Health.

55. A local authority may, and if so required by the Director of Public Health shall,—

Provision of
ambulances,
etc.

- (a) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for the free carriage of persons suffering from any infectious disease ; and
- (b) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection ; and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection, may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

56. Every medical practitioner who in the course of his practice becomes cognizant of the existence of any case of enteric fever or tuberculosis in any private or public dwelling other than a public hospital shall, if the case has not been already reported, give information of the same with the least practicable delay—

Medical
practitioners
to give in-
formation
of certain
infectious
diseases.

- (a) in municipal areas, to the executive authority, the Health Officer or a Sanitary Inspector ; and
- (b) in non-municipal areas, to the Health Officer, a Health or Sanitary Inspector or the village headman.

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Explanation.—In this section, 'medical practitioner' includes a hakim or vaidya, whether registered or not.

Prohibition
of the use
of water
from sus-
pected
source.

57. (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose, is likely to engender or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water generally or for any specified domestic purpose.

(2) No person shall remove or use any water in respect of which any such notice has been issued in contravention of the terms thereof.

Removal of
infected per-
son to hos-
pital.

58. (1) If it appears to the Health Officer that any person is suffering from an infectious disease, and that such person—

- (a) (i) is without proper lodging or accommodation, or
- (ii) is lodged in a place occupied by more than one family, or
- (iii) is without medical supervision directed to the prevention of the spread of the disease, or
- (iv) is in a place where his presence is a danger to the people in the neighbourhood; and

(b) should be removed to a hospital or other place at which patients suffering from such disease are received for treatment,

the Health Officer may remove such person or cause him to be removed to such hospital or place.

(2) If any woman who, according to custom, does not appear in public, is removed to any such hospital or place—

- (i) the removal shall be effected in such a way as to preserve her privacy; and
- (ii) special accommodation in accordance with the custom aforesaid shall be provided for her in such hospital or place.

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(3) No person shall leave, or be taken away from, any hospital or other place referred to in sub-section (1) without the permission of the medical officer in-charge or of the Health Officer.

(4) Whoever—

- (a) obstructs the removal of any person to any hospital or other place under sub-section (1), or
- (b) leaves, or takes away any person from, any such hospital or place in contravention of sub-section (3),

shall be punished with imprisonment which may extend to three months, or with fine, or with both.

59. (1) No person who knows that he is suffering from an infectious disease not specified in Part II of this Chapter shall expose other persons to the risk of infection by his presence or conduct in—

Prohibition
of the
exposure of
other
persons to
infection.

- (a) any market, theatre or other place of entertainment or assembly, or
- (b) any school, college, play-ground or such other place, or
- (c) any hotel, hostel, boarding house, choultry, rest-house, or club, or
- (d) any factory or shop.

Explanation.—A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Health or Sanitary Inspector, or a medical practitioner registered under the Madras Medical Registration Act, 1914, that he is so suffering.

Madras Act
IV of 1914.

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease not specified in Part II of this Chapter shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

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Infected persons not to engage in certain trades and occupations.

60. No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease—

- (a) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption; or
- (b) engage in any other occupation without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.

Prevention of infectious diseases transmissible from animals.

61. If, in any local area, any infectious disease transmissible to man breaks out or is in the opinion of the Health Officer likely to break out, amongst cattle, or other animals, it shall be the duty of the Health Officer to recommend to the local authority the adoption of such measures as he may deem necessary for suppressing or mitigating the disease or for preventing the outbreak or threatened outbreak thereof; and the local authority shall consider such recommendations and take such action thereon as to it may seem suitable.

Part II.

Notified Infectious Diseases.

Notified diseases.

62. In this Part, notified disease means,

- (a) cerebro-spinal fever,
- (b) chicken-pox,
- (c) cholera,
- (d) diphtheria,
- (e) leprosy,
- (f) measles,
- (g) plague,
- (h) rabies,
- (i) scarlet fever,
- (j) smallpox,
- (k) typhus, or
- (l) any other disease which the Government may from time to time by notification declare to be a notified disease for the purposes of this Part either generally throughout the Province or in such part or parts thereof as may be specified in the notification.

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- 63. (1) The Health Officer may, in cases of emergency, with the sanction of the District Collector, enter upon, occupy and use, or depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894, any building or place which, in the opinion of the Health Officer, is required, and is suitable for any purposes connected with the prevention or control of infection from a notified disease:

Provided that, if the building or place is occupied, notice shall be given in writing to the occupant, or be conspicuously affixed on such building or place, not less than thirty-six hours before it is entered upon.

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the District Collector.

(3) The Health Officer shall, when any such building or place ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

64. Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital and

Information regarding notified disease.

every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, a notified disease,

shall, if the case has not been already reported, give information of the same with the least practicable delay—

- (a) in municipal areas, to the executive authority, the Health Officer or a Sanitary Inspector, and

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- (b) in non-municipal areas, to the Health Officer, a Health or Sanitary Inspector or the village headman.

Explanation.—In this section, 'medical practitioner' includes a hakim or vaidya, whether registered or not.

Power of entry of local officers to take preventive measures.

65. (1) The Health Officer or any person authorized by him in this behalf may—

- (a) at all reasonable hours, inspect with or without assistants any place in which any notified disease is reported or suspected to exist, without notice in the case of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases, including dwelling houses; and

- (b) take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer may, in municipal areas, be exercised also by the executive authority or any person authorized by such authority.

Destruction of hut or shed to prevent spread of infection.

66. (1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Such compensation as the local authority may consider reasonable, shall be paid to any person who in its opinion sustains loss by the destruction of any hut or shed under the powers conferred by sub-section (1); but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

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67. If, on the application of the Health Officer, a Magistrate (not being a Magistrate of the third class) is satisfied that it is necessary in the interests of public health that a lodging house or any place where articles of food are sold, or prepared, stored, or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging house or place of a case of notified disease, the Magistrate may, by order, direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the Health Officer to be free from infection.

Closure of lodging houses.

68. No person shall—

- (1) send or take to any laundry or public wash-house or any public water-course, tank or well, for the purpose of being washed, or to any place for the purpose of being cleaned, any clothing, bedding or other article which he knows to have been exposed to infection from any notified disease, unless such article has been disinfected by, or to the satisfaction of, the Health Officer, or a registered medical practitioner, or unless under instructions from such a person, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or
- (2) place or cause or permit to be placed in any dust-bin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a notified disease and which has not been disinfected.

Infected clothes not to be sent to laundry.

69. (1) No person who knows that he is suffering from a notified disease shall—

Infected persons not to use public conveyance.

- (a) enter any public conveyance used for the conveyance of passengers at separate fares, or
- (b) enter any other public conveyance, without previously notifying the owner, driver or conductor thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a notified disease shall permit that person to be carried—

- (a) in any public conveyance used for the conveyance of passengers at separate fares, or

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(b) in any other public conveyance, without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver, or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from a notified disease, at any time when a passenger not suffering from such disease is being conveyed therein :

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid, in such cases of emergency and subject to such restrictions and safeguards as may be notified by the Government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notified disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of the next succeeding sub-section.

(5) If a person suffering from a notified disease is conveyed in a public conveyance, the person in charge thereof shall as soon as practicable give notice to the Health Officer of the local area in which the conveyance is usually kept and before permitting any other person to enter the conveyance shall cause it to be disinfected.

(6) The local authority when so requested by the person in charge of a public conveyance in which a person suffering from a notified disease has been conveyed shall provide for its disinfection.

Letting or sub-letting a building occupied by an infected person.

70. No person shall, without a special permit from the Health Officer, let or sub-let, or permit or suffer any prospective tenant to enter, a building in which he knows or has reason to know that a person has been suffering from a notified disease, within the three months immediately preceding.

Prohibition of the exposure of other persons to infection.

71. (1) No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in—

- (a) any street or public place, or
- (b) any market, theatre or other place of entertainment or assembly, or

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(c) any school, college, play-ground or such other place, or

(d) any hotel, hostel, boarding house, choultry, rest-house, or club, or

(e) any factory or shop.

Explanation.—A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Health or Sanitary Inspector, or a medical practitioner registered under the Madras Medical Registration Act, 1914, that he is so suffering.

Madras Act
IV of 1914.

(2) No person who has the care of a person whom he knows to be suffering from a notified disease shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

72. (1) If a case of notified disease occurs on any premises, the Health Officer may, whether the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to which this section applies, to be given out to any person living or working on those premises or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of the factory from which the work is given out or on any contractor employed by such occupier.

Forbidding work in infected premises.

(2) An order under this section may be expressed to be operative for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the Health Officer, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time be notified by the Director of Public Health.

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73. No person who knows that he is suffering from a notified disease shall take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.

74. (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or suffer persons to come unnecessarily into contact with, or proximity to, the body.

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the Government or of the local authority concerned, not below the rank of Health or Sanitary Inspector, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has died while suffering from any notified disease.

(3) (a) If any such body (not being a body kept in a mortuary) remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or

if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building,

any Magistrate may, on the application of any officer referred to in sub-section (2), order the body to be removed and disposed of within a specified time.

(b) A Magistrate may, in the case of the body of a person who has died while suffering from a notified disease, or in any other case in which he considers the immediate disposal of the body necessary, direct the body to be so disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(c) The expenses of the removal and disposal of any body under clause (a) or clause (b) shall be borne by the local authority; but such expenses may be recovered, as if it were a tax due to it, by the local authority from any person who would have been legally liable therefor but for such removal and disposal, unless in the opinion of the local authority he is too poor to do so.

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(4) (a) If any person dies in a hospital or a place of temporary accommodation for the sick, while suffering from a notified disease, and the Health Officer certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

(b) When the body is removed for the purpose aforesaid, it shall forthwith be taken direct to a burial or burning ground or a crematorium, and there buried or cremated with the least practicable delay.

(5) Without the permission of the Health Officer or a Magistrate, no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from a notified disease.

75. In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, any Magistrate, not being a Magistrate of the third class, having local jurisdiction shall have power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in his opinion such assemblages in such place, in such circumstances, or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

Power of
Magistrate
to prohibit
an assembly
of fifty or
more
persons.

76. (1) In the event of the prevalence or threatened outbreak of a notified disease in any local area, the Government may, by notification—

Power of
Government
to confer
special
powers on
officers to
control
notified
diseases.

(a) declare that such local area is visited or threatened with an outbreak of notified disease, and

(b) confer on the Health Officer or any other officer of the local authority concerned, or on any officer of the Government, all or any of the powers specified in sub-section (2).

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(2) The powers which may be conferred under sub-section (1) are—

(a) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality ;

(b) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3) ;

(c) power to direct—

(i) that persons arriving from places outside the local area, or residing in any building adjacent to, or in the neighbourhood of, an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers ;

(ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection ; and

(iii) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days ;

(d) power to take such measures as may be necessary—

(i) in respect of, or in relation to, persons exposed to infection from any notified disease, or likely to infect other persons with any such disease, and

(ii) in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease,

including, in case (i) the placing of restrictions on the movements of such persons, and in case (ii), the destruction of such articles and the placing of restrictions on their export from, import into, or transport within, the local area ;

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(e) power to direct that at any place within or outside the local area, any consignment of grain exported from, or imported into, such area by rail, road or otherwise, shall be examined and, if necessary, unloaded and disinfected in any specified manner ; and

(f) power to close all or any existing markets and to appoint special places where markets may be held.

(3) (a) If any person who, or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (b) of sub-section (2), declares before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate :

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (b) and no exemption shall be granted to any person who has been so convicted.

(b) Any person who commits a breach of any undertaking given by him under clause (a) shall be punished with imprisonment which may extend to three months, or with fine, or with both.

(4) Any officer on whom powers are conferred by a notification under sub-section (1) shall, subject to such limitations, restrictions and conditions, if any, as the Government may in the same or in any subsequent notification impose, exercise every power so conferred on him until it is withdrawn by notification.

(5) The local authority may, in its discretion, give compensation to any person who in its opinion has sustained substantial loss by the destruction of

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any property under the powers conferred by this section; but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

Destruction
of rats,
mice, etc.

77. (1) The occupier of every premises, or if the premises are unoccupied, the owner thereof, shall take such steps as may be reasonably practicable for the destruction of rats, mice and other animals susceptible to plague infesting such premises.

(2) Where the Health Officer is of opinion that the occupier or owner of any premises has failed to fulfil the obligation laid on him by sub-section (1), he may either—

(a) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the notice, or

(b) enter upon such premises and take such steps as may be necessary for the purpose of destroying the rats, mice and other animals susceptible to plague infesting the same, after giving not less than twenty-four hours previous notice to such occupier or owner.

(3) Any expenses incurred under clause (b) of sub-section (2) may be recovered by the local authority concerned from the occupier or owner, as the case may be, as if it were a tax due from him to the local authority.

Part III.

Venereal diseases.

Provision for
treatment of
venereal
disease by
local authori-
ties.

78. (1) A local authority may, and if so required by the Government shall, make such arrangements in its local area as may be directed by the Government for—

(a) the free diagnosis and treatment of persons suffering, or suspected to suffer, from venereal diseases; and

(b) the prevention of infection from such diseases.

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(2) The local authority may, for the purpose mentioned in sub-section (1), enter into a contract—

(a) with any other local authority, or

(b) with a hospital or medical institution recognized by the Government in this behalf, or

(c) with the sanction of the Government, with any medical practitioner registered under the Madras Medical Registration Act, 1914.

Madras Act
IV of 1914.

79. Every physician or other person treating, or examining with a view to treatment, a person having a venereal disease shall, at the first visit—

Patient to be
instructed in
methods of
prevention of
the spread of
venereal
disease.

(a) impress upon such person the necessity for treatment until the cure is effected;

(b) instruct him in regard to the measures necessary for preventing the spread of the disease; and

(c) furnish him with such other information relating to the disease as may be provided by the Director of Public Health.

Madras Act
IV of 1914.

80. Every medical practitioner registered under the Madras Medical Registration Act, 1914, and included in a panel published by the Government for the purposes of this section shall be bound, at the instance of a person desirous of obtaining a certificate under this section and on payment of a fee of five rupees, to examine such person, and if he finds that that such person is not suffering from a venereal disease, or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form.

Certain
medical
practitioners
to certify as
to freedom
from vene-
real disease.

Part IV.

Power to make rules.

81. The Government shall have power to make such rules as they deem fit for the treatment of persons affected with any epidemic, endemic or infectious disease, and for preventing the spread of such diseases and the rules may declare by what authority or authorities such rules shall be enforced and executed.

Rules for
the preven-
tion, treat-
ment and
control of
certain
diseases.

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CHAPTER VIII.

MATERNITY AND CHILD-WELFARE.

Local authority to carry out maternity and child-welfare measures.

82. Every local authority shall be bound to carry out such measures pertaining to maternity and child-welfare as may be prescribed.

CHAPTER IX.

MOSQUITO CONTROL.

Prohibition of mosquito breeding in collections of water.

83. (1) If the provisions of this section have been extended to any local area, no person or local authority shall, after such extension—

(a) have, keep, or maintain within such area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit, or suffer any water within such area to form a collection in which mosquitoes breed or are likely to breed,

unless such collection has been so treated as effectively to prevent such breeding.

Explanation.—Troughs used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collections of water in which mosquitoes breed or are likely to breed.

(2) The natural presence of mosquito larvæ in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.

Treatment of mosquito breeding places.

84. (1) The Health Officer may, by notice in writing, require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed, within such time as may be specified in the notice, not being less than twenty-four hours, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological method, being measures or a method, approved by the Director of Public Health, as the Health Officer may consider suitable in the circumstances.

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(2) If a notice under sub-section (1) is served on the occupier, he shall, in the absence of a contract, expressed or implied, to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in taking the measures or adopting the method of treatment, specified in the notice, and may deduct the amount of such expenses from the rent which is then, or which may thereafter be, due from him to the owner.

85. If the person on whom a notice is served under section 84 fails or refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Health Officer may himself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as if it were a property tax.

Health Officer's powers in case of default.

86. Where, with the object of preventing the breeding of mosquitoes in any land or building, the Government or any local authority, or the owner or occupier at the instance of the Government or any local authority, has constructed any works in such land or building, the owner for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

Protection of anti-mosquito works.

87. (1) No person shall, without the consent of the Health Officer, interfere with, injure, destroy or render useless, any work executed or any material or thing placed in, under, or upon any land or building, by or under the orders of the Health Officer with the object of preventing the breeding of mosquitoes therein.

Prohibition of interference with such works.

(2) If the provisions of sub-section (1) are contravened by any person, the Health Officer may re-execute the work or replace the materials or things, as the case may be, and the cost of doing so shall be recovered from such person in the same manner as if it were a property tax.

88. For the purpose of enforcing the provisions contained in this Chapter, the Health Officer or any of his subordinates not below the rank of Health or Sanitary Inspector may, at all reasonable times, after

Power of Health staff to enter and inspect premises.

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giving such notice in writing as may appear to him reasonable, enter and inspect any land or building within his jurisdiction; and the occupier or the owner, as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection, and supply all such information as may be required of him for the purpose aforesaid.

CHAPTER X.

SANITATION AND BUILDINGS.

Part I.

*Residential Areas.*Notification
of residential
areas

89. (1) Every urban local authority shall, within one year from the commencement of this Act or within such further time as the Government may allow in the case of any such authority, notify in the prescribed manner the localities, divisions, wards, streets or portions of streets in its local area which shall be reserved for residential purposes.

(2) An urban local authority may, at any time subsequent to the issue of a notification under sub-section (1), notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential purposes.

(3) A notification issued under sub-section (1) or sub-section (2) may declare that operations in any factory, workshop or workplace in existence at the time when it comes into force, or that the continuance of any offensive trade carried on by any person at such time, shall be subject to such restrictions, limitations and conditions as may be specified in the notification.

Approval of
Director of
Public
Health and
of Director of
Town-Plan-
ning to be
obtained for
notification.

90. (1) Before issuing a notification under section 89, the local authority shall—

(a) obtain the approval both of the Director of Public Health and of the Director of Town-Planning, in regard to—

(i) the suitability of the areas proposed to be reserved for residential purposes; and

(ii) the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of section 89; and

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(b) publish in the prescribed manner for general information the situation and limits of the areas proposed to be reserved for residential purposes and the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of section 89, and consider all objections received by it within six weeks of such publication.

(2) In the event of a difference of opinion between the local authority and the Director of Public Health or the Director of Town-Planning, the matter shall be referred to the Government whose decision shall be final.

91. Any person aggrieved by the issue of a notification under section 89, may appeal to the Government whose decision shall be final. Appeal
against
notification.

92. Upon the issue of a notification under section 89, the following consequences shall ensue, namely:— Conse-
quences of
notification.

(a) The construction or establishment of any new factory, workshop or workplace, or the carrying on of any new offensive trade in the areas specified in the notification shall be absolutely prohibited.

(b) In the case of any factory, workshop or workplace in existence at the time when the notification comes into force or of any offensive trade in existence at such time, the restrictions, limitations and conditions, if any, specified in the notification, shall be observed in the areas aforesaid.

Explanation (1).—If work in any factory, workshop, or workplace existing at the time when the notification under section 89 comes into force or any offensive trade carried on by any person at such time ceases to be carried on for a continuous period of not less than one year, the resumption of work in such factory, workshop, or workplace or of such offensive trade, as the case may be, shall, unless the Government otherwise order, be deemed to be absolutely prohibited under clause (a).

Explanation (2).—In the case referred to in *Explanation (1)*, where the period exceeds six months but does not extend to one year, work in the factory,

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workshop or workplace or the offensive trade, as the case may be, shall not be resumed without the written permission of the Health Officer unless the Government otherwise order.

Extension of sections 89 to 92 to non-urban local authorities.

93. The Government may, by notification, direct that the provisions of sections 89 to 92 shall apply to any non-urban local authority specified in such notification; and thereupon, the provisions of those sections shall apply to such authority as if it were an urban local authority and as if the reference to the commencement of this Act in sub-section (1) of section 89 were a reference to the date of publication of the notification under this section.

Part II.

Control over Insanitary Buildings.

New building not to be erected on certain sites.

94. (1) No person shall erect a new building on any ground which has been filled up with faecal or offensive vegetable or offensive animal matter or upon which any such matter has been deposited, unless and until the Health Officer certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

(2) Against the refusal of the Health Officer to issue a certificate under sub-section (1), an appeal shall lie to the Government whose decision shall be final.

Cleansing of court, yard or passage used in common.

95. (1) If any court, yard or passage which is used in common by the occupants of two or more buildings, but is not a public street, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Health Officer, he may cause such court, yard or passage to be swept and cleansed.

(2) The local authority may recover any expenses reasonably incurred by the Health Officer under sub-section (1) from the occupants of the buildings which front or abut on the court or yard, or to which the passage affords access, in such proportions as may be determined by the Health Officer.

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96. (1) If any dwelling house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation, he may in cases not falling under section 46, apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling house or portion for human habitation until in the opinion of the Health Officer it is rendered fit therefor:

Dwelling house unfit for human habitation to be vacated.

Provided that before making an order under this sub-section, the local authority shall give the owner and the occupier or occupiers, if any, concerned a reasonable opportunity of showing cause why it should not be made.

(2) When any order has been made under sub-section (1), the executive authority shall cause a copy of the order to be communicated to the owner as well as to every occupier concerned; and every such occupier shall be bound to cease to inhabit the dwelling house or portion thereof, as the case may be, within thirty days after the communication of the order to him.

(3) The owner of any dwelling house or portion of a dwelling house in respect of which an order under sub-section (1) is in force, shall not let or occupy, or permit to be let or occupied, such dwelling house or portion, or any part thereof, as a human habitation.

97. Notwithstanding anything contained in any other law or provision having the force of law, for the time being in force, no person shall, without the previous permission of the Health Officer, erect any back-to-back houses intended to be used as dwelling houses and any such house the erection of which is begun after the commencement of this Act without such permission shall be deemed to be unfit for human habitation within the meaning of section 96.

Back-to-back houses not to be erected without permission.

Part III.

Abatement of Overcrowding.

98. In this Part—

Definitions.

(1) "tenement" means a dwelling house and includes—

(a) any part of a dwelling house which is capable of separate occupation; and

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(b) a students' hostel under public or recognized control, but does not include a dwelling house or part of a dwelling house occupied by the owner thereof; and

(2) "landlord" means the immediate landlord of the occupier or occupiers of a tenement.

Duties of landlord.

99. A landlord of a tenement—

- (a) shall maintain it in a habitable condition; and
- (b) except temporarily on occasions such as marriages and the like, shall not cause or permit the tenement to be overcrowded:

Provided that no proceedings shall be instituted against the landlord in respect of any infringement by him of the provisions of this section, unless a notice in writing that the tenement is not in a habitable condition or that it is overcrowded, has been served upon the landlord or his agent by the Health Officer, and the landlord fails within such time as may be specified in such notice to take such steps as may be reasonably open to him for putting the tenement in a habitable condition or for securing the abatement of the overcrowding therein, as the case may be, including, if necessary, the taking of legal proceedings for possession of the tenement.

Power to make rules.

100. The Government shall have power to make rules for determining—

- (a) whether a tenement or any class of tenements is or is not maintained in a habitable condition within the meaning of section 99; and
- (b) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

CHAPTER XI.

LODGING HOUSES.

Lodging houses to be registered.

101. No person shall keep a lodging house or receive a lodger therein unless he is registered as the keeper thereof under this Act:

Provided that a person who immediately before the commencement of this Act was keeping a lodging house

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shall, for a period of three months after such commencement, be deemed to have been registered as the keeper thereof.

102. Every executive authority shall keep a register in which shall be entered — Register of lodging houses.

- (a) the full name and the place of residence of every person registered as the keeper of a lodging house;
- (b) the situation of every such lodging house;
- (c) the number of persons authorized to be received in the lodging house; and
- (d) the full names and the places of residence of any persons who are to act as deputies of the keeper of the lodging house.

103. (1) An executive authority on receiving from any person an application for registration, or for the renewal of his registration, as a keeper of a lodging house, and on payment by him of such fee, if any, as may be prescribed for the purpose, shall register the applicant in respect of the lodging house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration: Conditions of registration and of renewal of registration.

Provided that the executive authority—

- (a) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration; and
- (b) may refuse to register, or to renew the registration of, an applicant if he is satisfied that—
 - (i) the applicant or any person employed or proposed to be employed by the applicant at the lodging house as a deputy or otherwise is not a fit person, whether by reason of age or otherwise, to keep or to be employed at a lodging house; or
 - (ii) the premises are not suitable for use as a lodging house or are not as regards sanitation and water-supply and in other respects including means of escape in case of fire, suitably equipped for use as such; or

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- (iii) the use of the premises as a lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood.

(2) The registration, or the renewal of the registration, of a person as a keeper of a lodging house shall expire at the end of the year for which it is granted unless, for special reasons, the executive authority considers that it should expire at an earlier date, when it shall expire at such earlier date which shall be specified in the certificate of registration or of renewal of registration.

(3) If an executive authority refuses to grant or renew registration under this section, he shall deliver to the applicant a statement in writing of the grounds on which his application is refused.

(4) If at any time, a person registered as the keeper of a lodging house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper, or for the insertion therein of the name of any other person, being a person approved by the executive authority, whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly and make any consequential alterations in the certificate of registration.

Appeal to local authority.

104. A person aggrieved by the refusal of an executive authority to grant or renew registration under section 103 may appeal to the local authority.

Rules for the upkeep and maintenance of lodging houses.

105. The Government shall have power to make rules—

- (a) for fixing the number of persons who may be received into a lodging house and for the separate accommodation of the sexes therein ;
- (b) for promoting cleanliness and ventilation in lodging houses and requiring the walls and ceilings thereof to be lime-washed or treated with some other suitable preparation, at specified intervals ;
- (c) with respect to the taking of precautions when any case of infectious disease occurs in a lodging house ; and
- (d) generally for the well-ordering of lodging houses.

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106. (1) The keeper of a lodging house shall, if so required by the executive authority, affix, and keep affixed and undefaced and legible, a notice with the words "Registered lodging house" in some conspicuous place on the outside of the house. Notice to be affixed outside the lodging house.

(2) The keeper of a lodging house and every other person having the care or taking part in the management thereof shall at all times allow the executive authority, the Health Officer or any other person authorized by the executive authority or Health Officer in this behalf, to have free access to all parts of the house.

107. When the registered keeper of a lodging house is convicted of any offence under this Chapter or under section 64 or a rule or by-law applicable to him made under this Act, the Court by which he is convicted may cancel his registration as a lodging house keeper and may order that he be disqualified for such period as the Court thinks fit for being again registered as such keeper. Cancellation of registration by court.

CHAPTER XII.

FOOD CONTROL.

108. (1) No person shall—

- (a) sell, expose or hawk about for sale, or keep, store or prepare for sale, any animal intended for human consumption which is diseased, or the flesh of any animal which has died on account of natural causes ; or
- (b) sell, expose or hawk about for sale, or keep, store, manufacture or prepare for sale, any food or drug intended for human consumption which is unfit for such purpose or is unwholesome.

Prohibition of sale of unsound food.

(2) In any prosecution under sub-section (1), the Court shall, unless and until the contrary is proved, presume—

- (a) that any animal found in the possession of a person who is in the habit of keeping animals of that class for sale for human consumption, has been kept by such person for sale, and

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(b) that any food or drug found in the possession of a person who is in the habit of keeping, storing, manufacturing or preparing such food or drug for sale for human consumption, has been kept, stored, manufactured or prepared by such person for sale.

Punishment
for contra-
vening
provisions
of section
108, through
others.

109. (1) Any person who does any of the acts mentioned in sub-section (1) of section 108 or in clauses (a) to (d) of sub-section (1) of section 5 of the Madras Prevention of Adulteration Act, 1918, through others employed by him, whether the latter be adults or children, shall be liable to punishment for such act as if he had himself done the same. Madras Act
III of 1918.

(2) If a child under seven years of age does any of the acts aforesaid, the employer of the child, or the parent or other person having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself done the same.

Flesh of
dead animal
not to be
consumed.

110. No person shall knowingly consume the flesh of any animal which has died on account of natural causes.

Explanation.—It shall be no defence to a prosecution under this section that the flesh was consumed as a matter of custom, or as a matter of right on account of services rendered in removing dead cattle, or on any other ground.

Importing
meat into
local area.

111. (1) No person shall bring into any local area, without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area otherwise than in a slaughter-house maintained or licensed by the Government or by a local authority.

(2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorized by him in that behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale-proceeds shall be credited to the funds of the local authority.

(3) Nothing in this section shall be deemed to apply to—

(a) cured or preserved meat, or

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(b) flesh or meat carried through any local area for consumption outside the limits thereof and not stored anywhere within such limits in the course of transit, or

(c) flesh or meat brought into the local area by any person for immediate domestic consumption and not for sale:

Provided that the local authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

112. The Health Officer may, without notice, enter any place at any time, by day or by night, where any article of food is being manufactured, prepared, exposed or stored for sale, and inspect such article and any utensil or vessel used for manufacturing, preparing or containing the same. Power of
Health
Officer
to enter
premises
used for
food trade.

113. (1) The Health Officer may, at any time, examine any person engaged in selling, or in manufacturing or preparing for sale, or in any manner whatsoever handling any article of food intended for sale. Powers of
Health
Officer to
deal with
carriers of
disease
handling
food.

(2) If on such examination the Health Officer finds that such person is suffering from, or harbouring the germs of, any infectious disease, such person shall not take part in selling any article of food or in manufacturing, preparing or in any manner handling any article of food intended for sale, until the Health Officer certifies in writing that he is free from infection from such disease.

114. (1) If the Health Officer has reason to believe— Investiga-
tion of
diseases
caused by
milk or
dairy
produce.

(a) that any person within the local area over which he has jurisdiction is suffering from an infectious disease attributable to milk or dairy produce supplied within such area, or

(b) that the consumption of any milk or dairy produce supplied within such local area is likely to cause any person therein to suffer from an infectious disease,

the Health Officer may require the person supplying the milk or dairy produce to furnish within such time as may be fixed by the Health Officer, a complete list of all dairies (whether situated within or outside the

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limits of the local area) from which that person's supply of milk or dairy produce is derived or has been derived during the six weeks immediately preceding.

(2) If such supply or any part of such supply is obtained, not directly from a dairy but through some other person, the Health Officer may make a similar requisition upon such other person.

(3) Every person on whom any requisition is made under sub-section (1) or sub-section (2) shall be bound to comply therewith.

Inspection
of dairy by
Health
Officer.

115. (1) The Health Officer may inspect any dairy referred to in section 114 and the milch-cattle and the employees therein, and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused, or is likely to be caused, by the consumption of the milk or dairy produce supplied from such dairy, he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy.

(2) An order made under sub-section (1) shall be forthwith cancelled by the Health Officer on his being satisfied that the milk supply has been changed, or that the employees objected to by him have ceased to work at the dairy, or that the cause of infection has been removed.

(3) If an order made under sub-section (1) or cancelled under sub-section (2) relates to a dairy situated outside the limits of the local area, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(4) When an order is made under sub-section (1), the Health Officer may either—

(a) permit the milk or other produce of the dairy, after being boiled or treated in such other manner as he may direct, to be sold or used as animal food, subject to any reasonable restrictions he may impose, or

(b) cause such milk or dairy produce to be destroyed.

(5) No person shall sell or supply any milk or dairy produce in contravention of the provisions of this section.

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CHAPTER XIII.

FAIRS AND FESTIVALS.

116. (1) The Government may, by notification—
- (a) declare that any local area or part of a local area in which a fair or festival is to be held shall, for the purposes of this Chapter, be a notified fair or festival centre, for such period as may be specified in the notification; and
 - (b) define the limits of the area which shall, for the purposes aforesaid, be the site for the fair or festival.

Notification
of fairs and
festivals by
Govern-
ment.

(2) The provisions of this Chapter shall apply only to fairs and festivals in connexion with which a notification under sub-section (1) has been issued.

117. (1) The Government, or the local authority with the approval of the Government, may by notification impose, during a period to be specified in the notification, a tax on persons leaving by inland waterways a notified fair or festival centre or any place within such distance therefrom as may be specified in the notification.

Levy of
pilgrim tax
on travellers
by inland
waterways.

(2) Every such notification shall specify the rates at which the tax shall be levied:

Provided that the tax shall not exceed four annas in the case of passengers leaving by steam vessels, and two annas in the case of passengers leaving by other vessels including ferry boats.

(3) The Government shall have power to make rules regarding—

- (a) the collection of the tax;
- (b) the ascertainment of the expenses incurred in collecting the tax;
- (c) in case the tax is collected by any authority (other than the local authority concerned) or any person, the payment of the proceeds of the tax after deducting the expenses of collecting the same, to the local authority;
- (d) in the case referred to in clause (c), the returns and the information to be furnished by the authority or person collecting the

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tax to the local authority concerned, and the decision of disputes between the authority or person aforesaid and such local authority ; and

(e) the decision of disputes between two or more local authorities.

Levy of tolls
on vehicles.

118. (1) The Government, or the local authority with the approval of the Government, may, by notification, levy tolls on any vehicle (other than a motor vehicle) or any animal entering a notified fair or festival centre, for such period, at such rates, and subject to such exemptions, as may be specified in the notification.

(2) The Government shall have power to make rules regarding—

- (a) the collection of tolls ;
- (b) the composition of the tolls payable by any person ;
- (c) the seizure, detention, and disposal of any vehicle or animal in respect of which toll is not paid ;
- (d) the duty of the police to assist persons authorized to collect tolls, and the powers of the police in that behalf ; and
- (e) the penalties to be imposed in case of evasion of tolls or of resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid.

Notice to be
given of fair
or festival.

119. (1) The person or authority in charge of any fair or festival shall, not less than sixty days before its commencement, intimate to the executive authority or Health Officer of the local authority concerned, or in case the fair or festival is to be held within the jurisdiction of more than one local authority, to the executive authority or Health Officer of each of the local authorities concerned, the date of the commencement of such fair or festival, and the period for which it will last.

(2) The person or authority in charge of the fair or festival shall also furnish such other particulars relating to the fair or festival as may be called for by the executive authority or Health Officer of the local authority or any of the local authorities concerned.

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120. The local authority within whose jurisdiction a fair or festival is held, or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authorities jointly, shall make provision for—

Sanitary
arrange-
ments, etc.

- (1) the demarcation and preparation of the site of the fair or festival ;
- (2) the clearing and draining of the site ;
- (3) the disposition of the several parts of the fair or festival, including the alignment of roads within the site ;
- (4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and the proper preservation of such water ;
- (5) the accommodation of pilgrims and visitors, to such extent as may be practicable ;
- (6) the lighting of the fair or festival site ;
- (7) the supply by suitable persons of wholesome food, at reasonable rates, and in sufficient quantities, to persons resorting to the fair or festival and the proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival site ;
- (8) the collection, removal and disposal of refuse, rubbish and sewage ;
- (9) the supply and maintenance of suitable latrines for the use of persons resorting to the fair or festival ;
- (10) the detection and segregation of cases of infectious disease and the prevention of the introduction and spread of such diseases ;
- (11) the employment of adequate medical staff, the provision of medical relief, and the furnishing of hospital accommodation both for general and isolation purposes ; and
- (12) such other purposes as may be prescribed.

121. The arrangements mentioned in section 120 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the

Health
Officer to
supervise
the arrange-
ments.

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Health Officer of one of such local authorities designated by the person or committee referred to in section 120, or in case no Health Officer is so designated, under the supervision and control of the Health Officers concerned within their respective local areas.

Power to
enter and
seize
unwholesome
food.

122. (1) The Health Officer, or a Health or Sanitary Inspector of the local authority or of any of the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf, may—

- (a) enter and inspect any building or shop in the fair or festival site, which is a source of food-supply ;
- (b) for the purpose of inspection, have access to any source of water-supply on such site or within such distance therefrom as the Government may, by general or special order, determine ; and
- (c) seize any food prepared or offered for sale or stored or in course of transit within the fair or festival site which, he has reason to believe, is unwholesome or unfit for human consumption, and destroy the same forthwith if, in his opinion, such food is of a perishable nature or the value thereof does not exceed three rupees.

(2) (a) Any officer seizing any food under clause (c) of sub-section (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in that behalf.

(b) If the authority or person aforesaid is of opinion that the food is unwholesome or unfit for human consumption, such authority or person may, by order in writing, direct the food to be destroyed ; and any expenses incurred in this behalf (including the cost, if any, of analysing the food or a sample thereof) shall be recoverable from the person from whom the food was seized, as if it were a tax due from him to the local authority or any of the local authorities concerned.

(c) If the authority or person aforesaid is of opinion that such food is wholesome and fit for human consumption, the food shall be returned to the person

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from whom it was seized ; and the cost, if any, of analysing the food or a sample thereof shall be borne by the local authority or local authorities concerned.

123. (1) The local authority may, in cases of emergency, with the sanction of the District Collector, depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894, any land or any building not being a dwelling-house in the notified fair or festival centre which in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival, such as the construction of pilgrim-sheds, water-sheds, hospitals, segregation-sheds, latrines, and the like :

Occupation
of building,
etc., required
in connexion
with fair or
festival.

Provided that if the land or building is occupied, notice shall be given in writing to the occupant or be conspicuously affixed on such land or building, not less than twenty-four hours before it is entered upon.

(2) The owner or lessee of such land or building shall be entitled to compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the District Collector.

(3) The local authority shall, when any such land or building ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

124. (1) The Health Officer may, by notice in writing, require the owner of, or other person having control over, any source of water-supply situated on the fair or festival site, or within such distance therefrom as the Government may by general or special order determine, to close or disinfect such source within a specified time if, in the opinion of the Health Officer, it is likely to engender or cause the spread of disease amongst persons resorting to the fair or festival.

Control over
private
sources of
water-
supply.

(2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may himself take the necessary action ; and the whole of the expenses incurred in doing so or such

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part thereof as the Health Officer may determine to be reasonable, shall be recovered from such owner or person as if it were a tax due from him to the local authority or any of the local authorities concerned.

Licensing
of houses to
accom-
modate
visitors to
fair or
festival.

125. (1) The owner or occupier of a house, not being a lodging house registered under Chapter XI, situated in any notified fair or festival site shall not, for purposes of gain, accommodate in the house visitors to the fair or festival, without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authority or any of the local authorities concerned.

This provision shall not apply to tenancies from month to month or for a period exceeding one month.

(2) Every application for a licence under sub-section (1) shall be in writing, shall contain such information as may be required by the authority to whom it is addressed, and shall be accompanied by such fee as may be prescribed for the grant of the licence.

(3) (a) If it appears to the executive authority or the Health Officer, as the case may be, that the house is suitable for accommodating visitors to the fair or festival, he may issue a licence, in the prescribed form and subject to the prescribed conditions, for the accommodation in the house of such number of visitors as may, in his opinion, be conveniently received therein, having regard to the number of persons resident in the house, whether as members of the family or as servants of the owner or occupier.

(b) The licence shall also specify—

(i) the maximum number of persons (residents and visitors) who may be accommodated in the house at any one time; and

(ii) the date until which it shall remain in force.

(4) If the authority granting the licence is satisfied that the licensed house has, subsequent to the grant of the licence, become unfit for the accommodation of visitors, or if the licensee is convicted of any offence punishable under this Chapter, such authority may revoke the licence or, at his discretion, may suspend the licence for such period or until the fulfilment of such condition, as he may specify.

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CHAPTER XIV.

FINANCE.

126. If in respect of any fair or festival, any tax or toll is levied under section 117 or section 118 of this Act, or under section 116 of the Madras District Municipalities Act, 1920, or section 110 of the Madras Local Boards Act, 1920, the local authority shall have power to spend the proceeds thereof in connexion with the fair or festival or for the benefit generally of the local area concerned, in such manner as the Government may, by general or special order, authorize.

Madras Act
V of 1920.
Madras Act
XIV of 1920.

Manner of
spending
proceeds of
taxes and
tolls levied
in respect of
fairs and
festivals.

127. (1) Every municipality shall earmark not less than 30 per cent of its income from all sources other than Government grants, for expenditure on the advancement of public health in its local area, including expenditure on medical relief, and every district board or panchayat shall similarly earmark not less than 12½ per cent of its income from such sources:

Earmarking
of revenue
by local
authorities
for expendi-
ture on
public
health.

Provided that the Government may, for financial or other reasons, vary the provisions of this sub-section to such extent as they may think fit in the case of any municipality or district board or any panchayat or class of panchayats.

(2) (a) The Government may, by notification, authorize any local authority or class of local authorities to incur expenditure on any public health purpose specified in the notification, notwithstanding anything contained in the Act under which such local authority or authorities have been constituted.

(b) Any expenditure incurred by a local authority, which is authorized by clause (a) shall be taken into account for the purposes of sub-section (1).

CHAPTER XV.

RULES, BY-LAWS, PENALTIES, &c.

128. (1) The Government shall, in addition to the rule-making powers conferred on them by any other provision contained in this Act, have power to make rules generally to carry out the purposes of this Act.

Power of
Government
to make
rules.

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(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may make rules—

- (a) with reference to all matters expressly required, or allowed, by this Act to be prescribed; and
- (b) regulating the situations in which sanitary conveniences for the use of the public shall be constructed by a local authority, and the number of such sanitary conveniences.

Penalty for breach of rules.

129. (1) In making a rule under section 81, the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months or with fine or with both.

(2) In making a rule under any other provision contained in this Act, the Government may provide that a breach of such rule shall be punishable—

- (i) with fine which may extend to one hundred rupees, and in case of a continuing breach, with fine which may extend to thirty rupees for every day during which the breach continues after conviction for the first breach; or
- (ii) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

Procedure for making and the effect of rules.

130. (1) The power to make rules under this Act shall be subject to the following conditions :—

- (a) A draft of the rules shall be published in the Official Gazette.
- (b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

(2) All rules made under this Act shall be published in the Official Gazette and upon such publication shall have effect as if enacted in this Act.

By-laws by local authorities.

131. Any local authority may make by-laws, not inconsistent with this Act or the rules made thereunder or with any other law, for carrying out all or any of the purposes of this Act.

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132. In making a by-law, the local authority may provide that a breach thereof shall be punishable— Breach of by-laws.

- (a) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or
- (b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

133. In regard to by-laws made by a local authority under sections 131 and 132, the following provisions shall apply, namely :— Procedure for making or altering by-laws.

- (a) in case the local authority is the Corporation of Madras, sections 352, 353, 354 and 356 of the Madras City Municipal Act, 1919;
- (b) in case the local authority is a municipality constituted under the Madras District Municipalities Act, 1920, sections 309, 310 and 311 of that Act; and
- (c) in case the local authority is a local board constituted under the Madras Local Boards Act, 1920, sections 204, 205 and 205-A of that Act.

134. (1) Whoever—

- (a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I; or
- (b) contravenes any rule or order made under any of the provisions so specified; or
- (c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions

Penalties for offences against Act, etc.

shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

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- (2) Whoever after having been convicted of—
- (a) contravening any of the provisions of this Act specified in the first and second columns of Schedule II; or
 - (b) contravening any rule or order made under any of the provisions so specified; or
 - (c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

Explanation.—The entries in the third column of Schedules I and II headed 'Subject' are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

Penalty for preventing entry of executive authority or Health Officer.

135. Every person who prevents the executive authority or the Health Officer or any person to whom the executive authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building, from exercising his lawful power of entering thereon or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Miscellaneous.

Appeal against decisions of Health Officer.

136. Any decision of the Health Officer against which an appeal is not otherwise provided for in this Act shall be subject to such appeal as may be prescribed.

Method of serving notices.

137. (1) When any notice is required to be given by this Act, or by any rule, by-law, regulation or order made under it, such notice shall be given—

- (a) by giving or tendering the notice to such person; or

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- (b) if such person is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or
- (c) if such person does not reside in the local area and his address elsewhere is known to the executive authority, by sending the same to him by post, registered; or
- (d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

138. No person shall be tried for any offence against the provisions of this Act, or of any rule, or by-law made under it, unless complaint is made within three months of the commission of the offence by the police, or the executive authority or the Health Officer, or by a person expressly authorized in this behalf by the local authority, the executive authority or the Health Officer: Cognizance of offences against the Act.

V of 1898.

Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1898, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

139. Any police officer who sees a person committing an offence against any of the provisions of this Act or of any rule or by-law made thereunder, may arrest such person, if his name and address are unknown to the officer and such person on demand declines to give his name and address or gives a name and address which the officer has reason to believe to be false. Powers of Police Officers to arrest offenders against Act, etc.

140. (1) The executive officer of a local authority or any member of the public health establishment of a local authority not below the rank of Health or Sanitary Inspector, who sees a person committing any of the offences specified in sub-section (2) in the area over which the local authority has jurisdiction, may arrest Powers of executive officer and public health staff to arrest offenders against Act, etc.

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such person, if his name and address are unknown to the executive officer or member aforesaid and such person on demand declines to give his name and address or gives a name and address which such officer or member has reason to believe to be false. Any person so arrested shall be handed over to the officer in charge of the nearest police station as expeditiously as possible.

(2) The offences referred to in sub-section (1) are—

- (a) offences against any of the provisions of this Act or of any rule or by-law made thereunder ; and
- (b) offences falling under any of the provisions of the Acts mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction—
 - (i) Chapters VII to XIII, both inclusive, of the Madras City Municipal Act, 1919, read with section 357 of that Act and Schedules VII and VIII thereto ; Madras Act IV of 1919.
 - (ii) Chapters VII to XIII, both inclusive, of the Madras District Municipalities Act, 1920, read with section 313 of that Act and Schedules VII and VIII thereto ; Madras Act V of 1920.
 - (iii) Chapters VIII to XI, both inclusive, of the Madras Local Boards Act, 1920, read with section 207 of that Act and Schedules VIII and IX thereto ; Madras Act XIV of 1920.
 - (iv) sections 53 and 73 of the Madras City Police Act, 1888 ; Madras Act III of 1888.
 - (v) clauses (9) and (11) of section 3 and sections 4 and 10 of the Towns Nuisances Act, 1889 ; and Madras Act III of 1889.
 - (vi) section 5 of the Madras Prevention of Adulteration Act, 1918. Madras Act III of 1918.

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141. No person arrested under section 139 or section 140 shall be detained in custody—

- (a) after his true name and address have been ascertained, or

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- (b) 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 Court having jurisdiction to try the case.

142. (1) No suit, prosecution or other proceeding shall lie, against any local authority or any executive authority of a local authority, or against the Government or any officer or servant of a local authority or of the Government, or against any person appointed under section 12 of this Act, for any act done or purporting to be done under this Act without the previous sanction of the Government. Bar of suits and prosecutions in certain cases.

(2) No local authority or executive authority of a local authority, no officer or servant of any local authority or of the Government and no person appointed under section 12 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

143. Any executive authority of a local authority or any officer or servant of a local authority or of the Government, or any person appointed under section 12 of this Act, who maliciously abuses any powers conferred on him by or under this Act, shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both. Punishment for malicious abuse of powers.

Explanation.—No prosecution shall be instituted under this section without the previous sanction of the Government.

144. If any provision relating to public health contained in any other enactment in force in the Province of Madras is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be void. Act to override other enactments

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Power to
remove
difficulties.

145. If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

SCHEDULE I.

Ordinary Penalties.

[See section 134 (1).]

Section. (1)	Sub-section or clause. (2)	Subject. (3)	Fine which may be imposed. (4)
24	(1)	Failure of the owner or other person having control to obey or comply with the directions contained in a notice requiring to keep any well, etc., in good repair, to cleanse it, or protect, etc.	Fifty rupees.
26	..	Owner of new dwelling house occupying or permitting its occupation without a supply of wholesome water.	Fifty rupees.
28	(1)	Failure to comply with notice to provide efficient drainage.	Fifty rupees.
29	..	Failure to comply with notice requiring to connect a house drain with an outside drain.	Fifty rupees.
30	..	Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land.	One hundred rupees.
31	..	Failure to comply with notice for paving or raising the level of any court, yard, etc.	Fifty rupees.
32	(1)	Unlawful construction of cess-pool or construction of cess-pool on un-approved site.	Fifty rupees.
	(2)	Failure to comply with notice requiring removal or closure of cess-pool.	Fifty rupees.
33	..	Occupying or permitting occupation of new building without drain.	One hundred rupees.
34	..	Letting out sullage or sewage into a street, etc.	Fifty rupees.
35	..	Discharging injurious refuse, etc., into a drain.	One hundred rupees.
36	..	Polluting water-course	One hundred rupees.
38	..	Constructing or reconstructing a building intended for human habitation without a sanitary convenience.	Fifty rupees.
39	..	Failure to comply with notice regarding provision of sanitary conveniences or latrines.	Fifty rupees.
40	(1)	Failure to construct and maintain latrines in the prescribed manner.	Fifty rupees.
	(2)	Failure to comply with notice regarding removal or improvement of latrines.	Fifty rupees.
	(3)	Causing injury to latrines	Fifty rupees.

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Ordinary Penalties—cont.

Section. (1)	Sub-section or clause. (2)	Subject. (3)	Fine which may be imposed. (4)
44	..	Failure to comply with notice to abate nuisance.	Fifty rupees.
46	..	Failure to comply with Magistrate's order prohibiting the use of a house or building.	One hundred rupees.
51	(1)	Depositing filth, rubbish, etc., in streets.	Twenty-five rupees.
	(2)	Easing or permitting a member of the family to ease in a street, etc.	Twenty-five rupees.
	(3)	Failure to cover excreta with earth ..	Five rupees.
56	..	Failure to give information regarding existence of certain infectious diseases.	Five rupees.
57	(2)	Failure to comply with notice prohibiting the use of unwholesome water.	One hundred rupees.
59	..	Exposing other persons to infection ..	Twenty-five rupees.
60	(a)	Infected persons carrying on trade in articles of food.	Fifty rupees.
	(b)	Infected persons engaging in other occupations without permit.	Fifty rupees.
64	..	Failure to give information of notified diseases.	Ten rupees.
67	..	Failure to close lodging houses, etc. ..	One hundred rupees.
68	..	Sending infected clothes to a laundry or depositing infected articles in a receptacle for refuse matter.	Fifty rupees.
69	(1), (2), (3) and (5).	Using or permitting use of public conveyance by an infected person.	Fifty rupees.
70	..	Letting or sub-letting of infected building without a permit.	Fifty rupees.
71	..	Exposing other persons to infection ..	Fifty rupees.
72	(1)	Failure to comply with notice forbidding work in infected premises.	Fifty rupees.
73	..	Use of books from public libraries by infected persons, etc.	Fifty rupees.
74	(1), (2), (4) and (5).	Delay in disposing of dead body of an infected person or allowing others unnecessarily to come into contact with it, etc, etc.	Fifty rupees.
75	..	Failure to comply with order prohibiting assemblages of 50 or more persons.	One hundred rupees.
77	(1)	Failure to take steps for the destruction of rats, mice, etc.	Twenty rupees.
	(2)	Failure to comply with the notice for the destruction of rats, mice, etc.	Fifty rupees.
79	..	Failure to give instructions to the person having venereal disease and failure to furnish the required information.	Twenty rupees.

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Ordinary Penalties—cont.

Section. (1)	Sub-section or clause. (2)	Subject. (3)	Fine which may be imposed. (4)
84	(1)	Failure to comply with notice requiring steps to be taken against breeding of mosquitoes.	Fifty rupees.
86	..	Permitting the deterioration of works relating to prevention of the breeding of mosquitoes.	Two hundred rupees.
87	(1)	Injuring or destroying anti-mosquito works.	Five hundred rupees.
92	(a)	Construction of factories, workshops, etc., in residential areas.	One thousand rupees.
	(b)	Failure of factories, workshops, etc., to comply with restrictions imposed.	Five hundred rupees.
94	..	Illegal erection of building on insanitary ground.	Two hundred rupees.
96	(2) and (3)	Failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as a dwelling house.	Two hundred rupees.
97	..	Constructing back-to-back houses without permission.	One hundred rupees.
99	(a)	Failure to maintain a tenement in a habitable condition.	Fifty rupees.
	(b)	Causing or permitting a tenement to be overcrowded.	Fifty rupees.
101	..	Keeping a lodging house or receiving a lodger without registration.	One hundred rupees.
106	(1)	Failure to affix notice	Ten rupees.
	(2)	Refusal to allow free access to the executive authority, etc., to all parts of the lodging house.	One hundred rupees.
108	(1)	Selling, etc., unsound meat or food ..	One hundred rupees.
109	..	Selling, etc., unsound meat or food through others.	One hundred rupees.
110	..	Consuming the flesh of any animal which has died of natural causes.	One hundred rupees.
111	(1)	Unlawfully importing meat from outside the local area.	One hundred rupees.
113	(2)	Infected person carrying on trade, etc., in articles of food.	One hundred rupees.
114	..	Failure to furnish information regarding the sources of supply of milk or dairy produce.	Fifty rupees.
115	(5)	Failure to comply with the order prohibiting the supply of milk or dairy produce.	Two hundred rupees.
119	..	Failure to inform the proper authority about the date and other particulars regarding fair or festival.	Fifty rupees.
124	..	Failure to comply with notice to close or disinfect source of water-supply.	One hundred rupees.
125	(1) and (3)	Accommodating visitors without licence, or infringing conditions of licence.	Fifty rupees.

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SCHEDULE II.

Penalties for continuing breaches.

[See section 134 (2).]

Section. (1)	Sub-section or clause. (2)	Subject. (3)	Fine which may be imposed. (4)
24	(1)	Failure of the owner or other person having control to obey or comply with the directions contained in the notice requiring to keep any well, etc., in good repair, to cleanse it or protect, etc.	Ten rupees.
26	..	Continuing to occupy a dwelling house or to permit its occupation without a supply of wholesome water.	Ten rupees.
28	(1)	Failure to comply with notice to provide efficient drainage.	Ten rupees.
29	..	Failure to comply with notice requiring to connect a house drain with an outside drain.	Ten rupees.
30	..	Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land.	Twenty rupees.
31	..	Failure to comply with notice for paving or raising the level of any court yard, etc.	Ten rupees.
32	(2)	Failure to comply with notice requiring removal or closure of cesspool.	Ten rupees.
34	..	Letting out sullage or sewage into a street, etc.	Ten rupees.
35	..	Discharging injurious refuse, etc., into a drain.	Twenty rupees.
36	..	Polluting water-course	Ten rupees.
38	..	Constructing or reconstructing a building intended for human habitation without a sanitary convenience.	Ten rupees.
39	..	Failure to comply with notice regarding provision of sanitary conveniences or latrines.	Ten rupees.
40	(2)	Failure to comply with notice requiring removal or improvement of latrines.	Ten rupees.
44	..	Failure to comply with notice to abate nuisance.	Ten rupees.
46	..	Failure to comply with Magistrate's order prohibiting the use of a house or building.	Twenty rupees.
57	(2)	Failure to comply with notice prohibiting the use of unwholesome water.	Twenty rupees.
59	..	Exposing other persons to infection ..	Five rupees.
60	(a)	Infected persons carrying on trade in articles of food.	Ten rupees.
	(b)	Infected persons engaging in other occupations without permit.	Ten rupees.
67	..	Failure to close lodging houses, etc. ..	Twenty rupees.
71	..	Exposing other persons to infection ..	Ten rupees.

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Penalties for continuing breaches—cont.

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
72	(1)	Failure to comply with notice forbidding work in infected premises.	Ten rupees.
77	(1)	Failure to take steps for the destruction of rats, mice, etc.	Five rupees.
	(2)	Failure to comply with notice for the destruction of rats, mice, etc.	Five rupees.
84	(1)	Failure to comply with notice requiring steps to be taken against the breeding of mosquitoes.	Ten rupees.
92	(a)	Construction of factories, workshops, etc., in residential areas.	Two hundred rupees.
	(b)	Failure of factories, workshops, etc., to comply with restrictions imposed.	One hundred rupees.
96	(2) and (3)	Failure to cease to inhabit a dwelling house declared unfit for human habitation; or permitting it to be let or occupied as a dwelling house.	Fifty rupees.
97	..	Constructing back-to-back houses without permission.	Twenty-five rupees.
99	(a)	Failure to maintain a tenement in a habitable condition.	Twenty rupees.
	(b)	Causing or permitting a tenement to be overcrowded.	Twenty rupees.
101	..	Keeping a lodging house or receiving a lodger without registration.	Fifty rupees.
106	(1)	Failure to affix notice	Five rupees.
	(2)	Refusal to allow free access to the executive authority, etc., to all parts of the lodging house.	Fifty rupees.
108	(1)	Selling, etc., unsound meat or food ..	Twenty rupees.
109	..	Selling, etc., unsound meat or food through others.	Twenty rupees.
113	(2)	Infected person carrying on trade, etc., in articles of food.	Twenty rupees.
115	(5)	Failure to comply with the order prohibiting the supply of milk or dairy produce.	Fifty rupees.
124	..	Failure to comply with notice to close or disinfect source of water-supply.	Twenty-five rupees.
125	(1) and (3)	Accommodating visitors without licence or infringing conditions of licence.	Twenty rupees.

THE MADRAS LEGISLATIVE COUNCIL

Monday, the 30th January 1939

The House met in the Banqueting Hall, Government House, Mount Road, at eleven of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

* 143 Q.—

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" May I put the question, Sir?"

MR. PRESIDENT:—" Have you got the permission of the hon. Member to put the question? Unless you are authorized by him, you may not put it."

Proposal, if any, to levy tax on salaries of Government officials for affording relief to the educated unemployed.

* 144 Q.—KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) how the Government propose to give relief to the educated unemployed; and

(b) whether the Government propose to levy any tax on the salary of the officers of the Government and other local bodies for affording relief to the educated unemployed?

THE HON. SRI V. I. MUNISWAMI PILLAI (Minister for Agriculture and Rural Development) on behalf of the Hon. Sri V. V. Giri:—" (a) The matter is under the consideration of Government.

" (b) A suggestion has been made that a tax of a rupee per annum should be levied from each educated person in employment whatever may be the nature of his employment. This suggestion is under the consideration of Government."

Proposal, if any, to levy tax on salaries of Government officials for affording relief to the educated unemployed.

* 145 Q.—SRI RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) how the Government propose to give relief to the educated unemployed; and

^a The question and answer were included in the proceedings under Rule 31—vide pages 191-192 infra.

[30th January 1939]

(b) whether the Government propose to levy any tax on the salary of the officers of the Government and other local bodies for affording relief to the educated unemployed?

THE HON. SRI V. I. MUNISWAMI PILLAI (Minister for Agriculture and Rural Development) on behalf of the Hon. Sri V. V. Giri:—“(a) & (b) The attention of the hon. Member is invited to the answer to question No. 144.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“May I know by whom the suggestion was made?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“It was from the department itself.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I know when the Government will be able to give effect to this proposal?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“I think it will take some time, Sir.”

Extents of Government forests—reserved and unreserved—and fuel and timber forests.

* 146 Q.—SRI B. NARAYANASWAMI NAYUDU: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the Government forest area in each district and how much of it is reserved and how much unreserved—the area to be given in square miles and acres;

(b) the several forest panchayats in each district, the area held by each and the income derived by each during 1937–38;

(c) the Government fuel forest area in each district and the nature of the fuel;

(d) the Government grazing forest area in each district; and

(e) the Government timber forest area in each district and the nature of the timber grown and extracted during 1937–38 with the value of the extracted timber?

THE HON. SRI V. I. MUNISWAMI PILLAI:—“(a) to (e) The information is given in the statement* placed on the table.”

SRI B. NARAYANASWAMI NAYUDU:—“May I know, Sir, if the Government are satisfied that sufficient grazing areas are provided?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“I think so, Sir.”

SRI B. NARAYANASWAMI NAYUDU:—“Government are satisfied?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“Yes.”

* Printed as Appendix I on pages 249–271 infra.

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Age-limit in respect of mufassal Government Pleaders appointed by District Collectors under Board's Standing Orders.

* 147 Q.—SRI R. SRINIVASA AYYANGAR: Will the Hon. the Minister for Law be pleased to state—

(a) whether any age-limit has been fixed in regard to mufassal Government Pleaders appointed by District Collectors under the Board's Standing Orders to attend to Government work;

(b) whether it is a fact that practitioners of over 60 years' of age are holding the said office in the mufassal; and

(c) whether there is any proposal to fix their age-limit to bring it in conformity with that fixed for Public Prosecutors and District Government Pleaders?

THE HON. DR. P. SUBBARAYAN:—“(a) The hon. Member presumably refers to work done on behalf of Government in stations outside the district headquarters. Collectors have full power to appoint any lawyer to conduct any particular case in such stations and the question of appointment of a particular person for a definite period does not arise. It is, therefore, unnecessary to fix any age-limit and it is left to Collectors to see that pleaders appointed for particular items of work are fit both by age and capacity to deal adequately with work entrusted to them.

“(b) The answer is in the affirmative. There are four pleaders doing Government work above 60 years of age in Vizagapatam district, two in Ramnad and one in each of the districts of Anantapur, Coimbatore, the Nilgiris, Tanjore, East Godavari and West Godavari

“(c) The answer is in the negative.”

List of Andhras and non-Andhras in Educational Service in Andhra districts and their knowledge in Telugu language.

* 148 Q.—SRI D. SRIRAMAMURTI: Will the Hon. the Minister for Education be pleased to state—

(a) the number of appointments made in the Madras Educational Service during the last twelve months in (1) colleges and (2) in the inspectorate in the Andhra districts and the names of the appointees for the several posts;

(b) the number of Andhras and non-Andhras appointed, the number of officers and their names so appointed who have passed Telugu in the examination;

(c) whether non-Andhras have been appointed to inspect schools where Telugu is the medium of instruction, and, if so, why the appointments were made;

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(d) whether there is no provision in the statutory rules to the effect that officers posted for duty in certain places should have a knowledge of the language of those places;

(e) whether any complaints have been received by the Government about the hardships caused by the District Educational Officers in the Telugu districts not being able to understand Telugu;

(f) whether resolutions protesting against this state of affairs passed at public meetings, have been communicated to the Government; and

(g) whether any action is proposed to be taken by the Government in this matter?

THE HON. SRI C. J. VARKEY:—“(a) & (b) A statement^a is laid on the table. As regards the women's branch of the Inspectorate, there was no change in the personnel.

“(c) Yes, in a few cases. Promotions and transfers cannot always be made purely on a language basis. Moreover, a District Educational Officer has always the assistance of a Telugu-knowing Deputy Inspector.

“(d) & (e) The answer is in the negative.

“(f) A resolution of one public meeting at Rajahmundry has been received.

“(g) No. Out of the sixteen officers mentioned in the statement laid on the table nine are Andhras or know Telugu well. Of the remaining seven, four are employed in colleges where a knowledge of Telugu is not essential.”

SRI D. SRIRAMAMURTI:—“Are the Government aware that in the Government Training College at Rajahmundry, a Principal and Professor of Geography have been appointed who cannot either read or write Telugu?”

THE HON. SRI C. J. VARKEY:—“The Government are not aware of that, Sir.”

Programme for the development of key industries and technical industries in Government technological institutions.

* 149 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased—

(a) to place before the House the schemes, plans and programmes adopted by the Conference of the Ministers for Industries for the development of key industries in British India and the steps taken or being taken for the purpose in this Province; and to state—

(b) what technical industries in educational courses are going to be introduced in Government institutions intended for technological education?

^a Printed as Appendix II on page 272 infra.

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THE HON. MR. V. I. MUNISWAMI PILLAI (Minister for Agriculture and Rural Development) on behalf of the Hon. Sri V. V. Giri:—“(a) A copy^a of the resolutions passed at the Conference of Ministers of Industries held in Delhi in October 1938 is placed on the table of the House.

“(b) The question has not yet been considered.”

MR. J. A. SALDANHA (after the next question was called):—“I want to ask a supplementary question, Sir.”

MR. PRESIDENT:—“The hon. Member ought to have been more prompt in putting the supplementary question.”

MR. J. A. SALDANHA:—“I was just getting up for that purpose.”

MR. PRESIDENT:—“Yes, the hon. Member may put the question.”

MR. J. A. SALDANHA:—“What funds are being provided in the coming year for carrying out these schemes and plans in this Province?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“So far, this Government have given a contribution of Rs. 1,000.”

Introduction of the system of employing male nurses and reasons therefor.

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

(a) what the grounds are on which Government have decided that male nurses should be trained and employed so that in course of time male nurses may attend on all adult male patients;

(b) which authorities and bodies were consulted by Government before passing their order; and

(c) what objections have been raised to the scheme and what action Government have decided to take thereon?

THE HON. DR. T. S. S. RAJAN:—“(a) It is considered that male nurses will be as suitable as women nurses for attending on male patients. For certain special departments, male nurses are the most suitable. They are now employed in some private medical institutions, in special departments and in military hospitals.

“(b) The Surgeon-General was consulted. No other authorities or bodies were formally consulted.

“(c) The representations received in respect of the reorganization scheme were considered by the Government and the scheme has been suitably modified. The modifications have been announced in a press communiqué, issued by the Government on 18th January 1939.”

^a Printed as Appendix III on pages 273-275 infra.

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SRI A. RANGASWAMI AYYANGAR:—“ Will the Government be pleased to state whether, as a class, male nurses are more efficient than female nurses? ”

THE HON. DR. T. S. S. RAJAN:—“ Sir, it is a problematical question, asking for opinion; but I do think, in their respective spheres, one is as good as the other.”

Grants to aided Colleges and Indian boarding houses.

* 151 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Education be pleased to refer to the Quinquennial Report on Public Instruction for the years 1931-32 to 1936-37 in this Province with reference to the modified rule 41 of the Grant-in-aid Code and to state—

(a) how far the grants to aided colleges or college departments have been increased or decreased in the years 1937-38 and 1938-39 for buildings, equipment of libraries, laboratories and so on, apart from grants for the teaching staff and what the policy of Government is as to grants-in-aid for such purposes to aided colleges or college departments and on what grounds it is justified;

(b) what difference has been found as to rates in working the modified rule 62 of the Grant-in-aid Code, restricting the grants payable to Indian orphanages to a maximum limit of two-thirds of the net boarding charges instead of two-thirds of net cost of maintenance as was the case before 1933;

(c) what is the amount of grant each orphan or destitute child, in the Indian boarding house, has been receiving in 1932-33, 1933-34, 1934-35, 1936-37 and 1937-38 and will receive in 1938-39; and

(d) whether modifications have been made recently in the grant-in-aid to Indian boarding houses for orphans and destitute children and if so, with what distinction between orphans and destitute children?

THE HON. SRI C. J. VARKEY:—“ (a) There was no change of policy as regards these grants during the years in question. The provision for building and equipment grants to colleges for the last three years was as follows:—

	1936-37.	1937-38.	1938-39.
	RS.	RS.	RS.
Building grants ..	2,37,970	1,04,000	1,75,000
Equipment grants ,.	47,400	25,700	61,700

“ (b) The effect of the modification in the rule has not been uniform but has varied with reference to the circumstances of each institution. The grant being subject to an upper

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limit of Rs. 3 a month per pupil, it may be said generally that institutions which have been spending adequately on boarding have not suffered a diminution of grant.

“ (c) The hon. Member presumably means the average grant paid on behalf of each pupil for each of the years in question. These grants are distributed by the Director of Public Instruction. The distribution of grant for the year 1938-39 has not yet been made and particulars of the average grant for the past years are not readily available.

“ (d) The reference is apparently to the rules notified at pages 267-68 of Part I-B of the *Fort St. George Gazette*, dated 19th April 1938, as modified by Notification No. 469 published at page 596 of Part I-B of the *Gazette*, dated 18th October 1938. No distinction has been made in the rules between orphan destitute children and non-orphan destitute children, although, for the sake of convenience and clearness different forms of destitution certificate have been prescribed for the two classes of children.”

MR. J. A. SALDANHA:—“ What is the meaning attached by the Government to the term ‘orphans’? ”

THE HON. SRI C. J. VARKEY:—“ Orphans are children who have lost either their father or their mother, or both.”

MR. J. A. SALDANHA:—“ Is there any distinction at all observed as between orphans and destitute children? They are not exclusive of each other; I am at a loss to understand what distinction there is at all.”

THE HON. SRI C. J. VARKEY:—“ There is a distinction, and that has been made clear in the answer itself. There are orphan destitutes and non-orphan destitutes; therefore, even those who have parents living come under ‘destitute children.’ ”

MR. J. A. SALDANHA:—“ Why not therefore put it clearly beyond all argument? These things are all misunderstood by the authorities in the district in giving grants.”

THE HON. SRI C. J. VARKEY:—“ Is it a supplementary question, Sir? ”

MR. PRESIDENT:—“ It is not a supplementary question.”

MR. J. A. SALDANHA:—“ The difference should be made clear as between orphan and non-orphan destitutes.”

THE HON. SRI C. J. VARKEY:—“ It may not be clear to all, Sir; but I believe it is sufficiently clear when I say that destitutes are divided into two classes—orphans and non-orphans; and there are two destitution certificates introduced by the notification of 18th October 1938; and it has made matters clearer than Mr. Saldanha thinks.”

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District boards amalgamated in November 1938, election of President and Vice-President and fixing of dates therefor.

* 152 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the names of the district boards which were amalgamated in the month of November, 1938;

(b) the names of the district boards in which the election for president and vice-president took place on the same day and separate meetings have been convened on the same day as the case may be; and

(c) whether it is a fact that the Government have fixed the dates and hour of the meetings for the election of president and vice-president of the district boards which were amalgamated in the month of November 1938 and issued instructions to the ex-officio presidents (Collectors) to call for the meetings on those dates and at the hour fixed by them?

THE HON. SRI S. RAMANATHAN (Minister for Public Information) on behalf of the Hon. Sri B. Gopala Reddi:—
“(a) The bifurcated district boards in the following revenue districts were amalgamated in November 1938:—

Ramnad,	Coimbatore,
Tanjore,	East Godavari, and
Nellore,	Kistna.
Salem,	

“(b) In none of the amalgamated district boards referred in the answer to clause (a) was the election of the vice-president held on the same day as the election of the president.

“(c) The Government instructed the ex-officio presidents of the amalgamated district boards to convene meetings of their respective boards on certain suitable dates and at certain suitable hours for the election of presidents.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“Suitable to whom?”

THE HON. SRI S. RAMANATHAN:—“Suitable to the members as well as to the authorities who are to convene the meetings.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“May I know how the Government came to know that the hour and date were suitable to the members?”

THE HON. SRI S. RAMANATHAN:—“The hour was fixed in office time, as usual; and there has been no objection raised so far as regards the suitability of the hour.”

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SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“Is 9 o'clock within the office time?”

THE HON. SRI S. RAMANATHAN:—“It is very convenient to begin work at 9 o'clock.”

SRI R. SRINIVASA AYYANGAR:—“Were any instructions issued to the authorities in the district with regard to the fixing of the hour?”

THE HON. SRI S. RAMANATHAN:—“I am not aware.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“Why should the Government fix the date of the meetings and communicate to the ex-officio presidents?”

THE HON. SRI S. RAMANATHAN:—“So that the amalgamation might be given effect to. It was necessary that some early date should be fixed for this purpose by the Government. I do not see the point at all in the hon. Member putting this question.”

Annual grants made to leper asylums.

* 153 Q.—MR. J. A. SALDANIA: Will the Hon. the Minister for Public Health be pleased—

(a) to place before the House the various orders passed by the Government during the last ten years as to annual grants-in-aid to private leper asylums in this Province as also to the Tirumani Leper Settlement in the Chingleput district; and to state

(b) what changes have been made recently in the rates and conditions for receipt of the grants and on what grounds; and

(c) the number and percentage of lepers approximately expected to be thrown out of the asylums as a result of such change and what accommodation and provision for feeding are proposed to be arranged for such lepers?

THE HON. DR. T. S. S. RAJAN:—“(a) and (b) Copies of G.Os. No. 1326, P.H., dated 12th July 1916, No. 752, P.H., dated 30th March 1928, No. 1480, P.H., dated the 18th August 1931 and No. 4535, P.H., dated the 19th December 1938, will be furnished to the hon. Member as there is no time to print them and lay them on the table. Leper asylums are intended for treatment cases only and not for ‘burnt out’ cases whose proper place is in a charitable institution.

“(c) The Government have no information.”

Grant of darkhast lands in South Kanara.

* 143 Q.—SRI D. MANJAYA HEGDE: Will the Hon. the Minister for Revenue be pleased to state—

(a) the number of acres of unassessed waste lands granted on ‘darkhast’ to people, both landholders and others, in South

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Kanara after the Congress party has taken charge of the administration of the Province;

(b) the present policy of the Government as to the alienation of the unassessed lands to the landholders;

(c) the recent Government Orders issued to the District Revenue authorities regarding the granting of lands on 'dar-khast' or alienation of waste lands; and

(d) whether the Government are contemplating the abolition of kumki rights of the landholders in South Kanara?

THE HON. SRI T. PRAKASAM:—“(a) 5.44 acres till the end of October 1938.

“(b) & (c) The present policy of the Government in regard to assignment of lands including unassessed lands for cultivation is defined in Board's Standing Order No. 15. Pending a revision of the policy of assignment, the Government have directed that no part of a large compact block and no extent of 5 acres and more in any case should be assigned.

“As regards the alienation of lands for public purposes, the Government have ordered that all applications for alienation, except those from local bodies, in which the extent of land involved is one acre and more should be submitted to the Government for sanction.

“(d) The Government will consider the question of kumaki rights in connexion with the policy of assignment to be followed in the case of large blocks.”

UNSTARRED QUESTIONS

Districtwar statement showing various particulars regarding collection of kist and punishments awarded to village officers for non-collection.

46 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: [With reference to the answer given to question No. 76 put at the meeting of the Legislative Council held on 13th December 1938, will the Hon. the Minister for Revenue be pleased to call for and place a comparative statement on the table of this House, showing the following particulars, districtwar, for the three faslis ending with 30th June 1938:—

(a) total amount of demand;

(b) total amount collected without any sort of coercive process;

(c) total number of defaulters;

(d) total number of coercive processes issued; and

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(e) total number of punishments under each of the following heads accorded to village officers for the non-collection of kist in time—

(1) dismissals;

(2) suspensions; and

(3) fines?

A.—(a), (c) & (d) The attention of the hon. Member is invited to the statistics contained in statements Nos. 10 and 12 of the Jamabandi reports of the respective faslis. The report for fasli 1347 will be published shortly.

(b) The amount collected without attachment of property can be obtained by subtracting the figures in columns (6) and (9) of statement No. 12 referred to above from the figure in column (4) of statement No. 10.

(e) The statistics required are not compiled in the normal course of business.

Proposal, if any, to purchase electric power from the Hydro-Electric Project at Jog and schemes, if any, for linking towns and villages in Malabar and South Kanara.

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

(a) whether, during his recent visit to Jog, he had in view the possibility of purchasing power from the hydro-electric project and of the waterfalls there, in order to supply electricity to towns and villages in South Kanara;

(b) if so, whether any negotiations therefor with the Mysore Government have been started; and

(c) whether any progress has been made and if so, what will be the cost of any scheme for linking towns and villages in Malabar and South Kanara with any hydro-electric scheme in this Province and when, it is expected, the scheme will be completed?

A.—(a) & (b) The answer is in the negative.

(c) Pykara power is now being supplied to Palghat in the Malabar district. The Electricity department is making a survey of Ernad and Calicut taluks with a view to extend the supply of Pykara power to towns and villages in other taluks of Malabar. If load develops satisfactorily in the northern parts of Malabar, it may be feasible to extend transmission line further to South Kanara. It is not possible to state when Pykara power will be made available in South Kanara. There is no other scheme of connecting South Kanara with a hydro-electric scheme.

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

11.—THE MADRAS PUBLIC HEALTH BILL, 1938 (L.A. BILL No. 17 OF 1938), AS PASSED BY THE ASSEMBLY.

MR. PRESIDENT:—“The House will now resume discussion on the motion made by the Hon. Dr. T. S. S. Rajan, viz., that the Madras Public Health Bill as passed by the Legislative Assembly, be taken into consideration.”

11-15 a.m. MR. J. A. SALDANHA:—“Mr. President, I have first to congratulate the Hon. the Minister for Public Health for having brought forward this Bill so soon after he took charge of his office. This Bill is long overdue. Previous Ministries also adumbrated a scheme of this sort. But they had not the time or the courage or the ability to bring forward such a Bill. The necessity for a Bill of this sort arises out of so many matters. It is an ideal measure for carrying out the objects of sanitation which are found in other Acts, for instance, the District Municipalities and Local Boards Acts. Now that you have got a Bill, it will be easy for us to act up to these provisions. His Highness the Aga Khan in one of his learned works “India in Transition,” some twenty years ago said that if there is one thing to the discredit of the British Government in India, it is the fact that they allowed India to grow up in illiteracy and insanitation. The steps that were taken to remove illiteracy, insanitation and ill-health were very inadequate. Let us hope that the publication of this Bill will achieve the ideal before the Government. Ancient religious codes, as pointed by the Hon. Minister, provide religious sanction for punishment for violating the principles of sanitation. People were bound to be religious and they had to adhere to the rules of sanitation, and any breach of those rules were severely dealt with. Here I would like to refer to one provision in the Old Testament of the Bible, the Deuteronomy, corresponding to one provision which has been added by the Select Committee to the Bill very wisely in clause 51, sub-clause (3), which says:—

“Any person easing himself in any private open space shall immediately cover up the excreta with earth.”

“There was a time when I was agitating for similar sanitary measures in a place where I was judicial officer, and I tried in vain to find a provision of this sort in the Hindu Dharma Shastras. But there was found one provision in the Bible itself and that is contained in verses 12 to 14 of Chapter 13 of Deuteronomy which says:—

‘12. Thou shalt have a place without the camp, to which thou may all go for the *Necessities of Nature*.

‘13. Carrying a paddle at thy girdle and when thou sitteth down thou shalt dig round about and with the earth that is dug thou shalt cover.

‘14. That which thou art eased of.’

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“The punishment that is provided for in this Bill for a breach of the rule relating to this nuisance is Rs. 5 and that too for committing nuisance in one's own private land. The problem as to nuisances on public roads is greater still in a place like Madras which is notoriously bad in this respect. I would hesitate to mention what Mahatma Gandhi once remarked about Madras, that it was dirty so far as roads in the interior are concerned. I was told that Bombay successfully got rid of this nuisance. It was due to the famous Commissioner who induced the Government to issue a notification to confer on him the powers of a Magistrate to whip under the Criminal Procedure Code. According to that he began to horse-whip those who were found committing nuisance in public streets and for this purpose he went round the city on horse-back several times along the foreshore which was very dirty and was practically used as a public latrine. As a result of this, this nuisance was put a stop to and privy system was then established in Bombay and now Bombay is free from this nuisance.

“I would like that similarly all magistrates in Madras should be vested with summary powers to put a stop to this evil. Otherwise I do not think that merely a fine of Rs. 25 will create a sanitary conscience in the mind of the people. Apart from this, we should also organize a crusade against insanitation by enlisting the support of all heads of religious institutions, by going round the villages and towns; and unless this is done and done in a very thorough manner by a body of young and old citizens of the towns and villages carrying on a systematic campaign, I do not think we shall be able to achieve much in this direction. It won't do merely to make laws; we must rouse a sanitary conscience in the mind of the people of the villages and towns; and unless such a thing is done, you will not be able to carry out this campaign effectively.

“It is deplorable that at present the percentage of death in India is the highest in the world and it is really a disgrace to our administration. I do not find one important provision in this Bill and that is making town-planning compulsory in the case of villages which are growing into towns. I hope it will not be a cry in the wilderness and now that the Health Bill is under discussion, it is hoped that the Health department and the Department of Town-planning will put their heads together and introduce town-planning in big villages. Because if villages grow into towns in a haphazard fashion as is the case at present, it will not conduce to sanitation. If you therefore take time by the forelock and introduce town-planning at this stage, I am sure a lot of nuisance will be averted. The fundamental principle of town-planning is mainly the health of the people and from that point of view town-planning is quite essential for

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villages also. I find that in England town-planning is considered to be a very important part of the public health administration. There it is referred to again and again, but here it is only incidentally referred to. There is in fact no clause to compel town-planning in the villages and even the town-planning that is carried on in the towns is not carried on in a proper manner, but in a haphazard and indifferent fashion.

"Here, I would like to suggest that in order to work the provisions of the Bill more effectively, it would be well to enlist the sympathy and co-operation of all classes of people. At present district conferences are held periodically, but they should be made statutory committees so that they may be of real use to the rural population. Instead of keeping them merely as advisory bodies, they should be made statutory bodies with the Collector of the district concerned as president, so that it will be easy for people to get their grievances redressed soon locally, instead of their being made to go to Madras before the Health Board. From my own experience of Mangalore—To-day, there is a meeting there and I am sorry I could not attend it—I may say that beyond giving advice in respect of carrying out repairs to tanks, etc., we have no power to organize schemes for rural uplift as a whole. On the other hand if the Government invest these bodies with certain powers in these respects, they will be doing a great thing in this direction. I would therefore recommend that as soon as possible the Government should consider the question of converting these district conferences into some kind of councils, with certain powers in matters of town-planning, sanitation, etc.

"Now, Sir, as regards finance, it is good that local authorities like municipalities, village panchayats and district boards are authorized and, if necessary, also compelled to levy taxes for carrying out the various measures. Because, we find in the discussions at the economic conference held in our district, that funds are very inadequate to carry out even modest measures regarding sanitation and roads. Therefore provision should be made in the Act to compel the Government to set apart a certain percentage for helping the local boards so that they may be induced to take up such measures. For instance, if the municipality spends half or two-thirds, Government should contribute the other portion. Until that sort of thing is done, there will be no inducement. Until then, it will be only a question of our doing things under the goodwill of the Government and we shall be dependent upon their goodwill for carrying out health measures. I say, let it be translated into action, by means of some contribution, say, half to be raised by the municipality or the district board, and half to be paid by the Government. I shall just quote an instance to show how private contributions will run high and even go beyond the expectations of ordinary people. The question

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of a women's hospital was agitating the minds of the people of Mangalore and we were moving for it in the old Legislative Council. Happily, in one of his unguarded moments, the Raja of Panagal made the announcement that the Government would be prepared to give as much money as was forthcoming by way of private contributions. We were able to collect a sum of Rs. 50,000 and the Government no doubt paid us an equal sum. But when the original announcement was made he never expected that so much would be collected; he thought that it may not exceed Rs. 10,000. And now we have got one of the splendid hospitals in the Presidency. I am only saying this to show to the Hon. Minister to what extent private contributions can go if an incentive is offered that an equal sum will be paid by the Government.

"Further, I do not see any provision in this Bill for the raising of loans by the municipalities and district boards for this purpose. Loans are necessary for carrying out great public health objects like water-supply. I know that there are provisions in the District Municipalities and Local Boards Act; but I would very much like that all those provisions should have found a place here inasmuch as we are dealing with the question of public health and whatever provisions are relevant to it should find a place here. It is not as if all amounts spent in this direction are not paying. The building of markets is clearly a paying proposition. I am certain that we shall be getting a dividend of about 15 per cent.

"Even without these, the Bill as it stands is a comprehensive measure and with some greater comprehensiveness, it would have been a model legislation. As a matter of fact the Ministry has to be congratulated in bringing in measures which go far in advance and run much ahead of other provinces in point of the legislative activities. But whether they produce good or bad is to be seen."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
"Let me congratulate the Hon. the Minister for Public Health on having brought forward this very useful measure. This is the first of its kind in India. I am glad to see that the work started by the late lamented Raja Sahib of Panagal is being supplemented by the Hon. the Minister for Public Health. It may not be out of place to recall the various useful measures introduced by him, such as the establishment of the Indian School of Medicine, and the introduction of rural medical relief. But for the limitations under which he had to work then, he would have introduced many more useful measures. Now the Ministers have the unfettered freedom and the Hon. the Leader of the House very rightly took advantage of it.

"Sir, we on this side of this House have never failed to appreciate the good measures that have been brought forward by the

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party in power and to co-operate with them if we felt that they were in the interest of the public. I believe we have always been taking interest in observing the parliamentary conventions and rules.

“I should like to take this opportunity to offer my explanation to the remarks made by the Hon. the Prime Minister with regard to the point of order raised by me in the matter of observing the rules.”

MR. PRESIDENT:—“The hon. Member cannot take this as an opportunity to reply to the remarks made by the Hon. Premier. He will restrict his observations to the Bill.”

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“I shall take another opportunity to deal with that question. As I submitted before, I am in general agreement with the principles of this Bill. The Hon. the Leader of the House mentioned in his speech the existence of some provision in the Public Health Act of England which prompted him to incorporate some of the provisions of this Bill. The whole scheme of the Public Health Act of England is built by vesting the powers only in collective bodies such as county councils and boroughs, while the present Bill vests all the powers in one officer of the Government. It is said that the creation of a Public Health Board is one of the features of this Bill. I don't see any necessity for the retention of sub-clause (c) of clause 4 (1) especially after the statement of the Hon. the Prime Minister in the other House which unequivocally declared that the Health Board has no power and their resolutions are only advisory. Is it with a view to have the views of the opposite party also? If that is so, I fear that the wording of that clause should be changed. Instances are not wanting that whenever the Leader of the House tried to deal fairly with the Opposition, members of his party rebelled and refused to obey him. Again instances there have been to show that motives were imputed to the actions of the Leader by not merely the camp followers but even by his colleagues. Further as the constitution of the Legislature stands at present, it does not matter whether it is election or it is nomination; because it is only the members of the party in power that would be elected or nominated. I, therefore, think that the principle of election which was originally enunciated in this Bill is rightly substituted by nomination and the Government have taken the full responsibility for good or bad. Let the Government alone bear its entire responsibility for the working of this Act. Perhaps it is with this view that my hon. Friend, Sir Pannir Selvam in the Select Committee suggested that the entire responsibility should be taken up by the Ministry for working this Act.

“Sir, I am not one of those who believe that vaccination is bad or injurious to human health. The Government who

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believe in compulsion in certain other matters have come forward to exempt people for reasons of conscience. I do not know what happened between their first stand and their next step in obliging a member of the party in power who moved an amendment in the Lower House. I happened to read Sir, a telegram that appeared in the *Madras Mail*, dated 19th January, from Mr. Gandhi giving his blessings to conscientious objectors. Perhaps that blessing would have had the desired effect. Sir, I fail to see any reason why the Government still say that the Magistrate ‘may after giving notice to the Health Officer and hearing any representations made by him exempt any such child from vaccination and inoculation.’ Why should there be the word ‘may,’ Sir? Why not have ‘shall’? Is it the intention of the Government that the decision should be left to the Magistrate? If it is the intention of the Government to exempt anybody on the ground of conscience, let it be done fully and whole-heartedly and without any ambiguity capable of double interpretation. If the Government are against it, let them take away the whole conscience clause and say ‘no’ to conscientious objectors as they are doing in other cases. Sir, it is not known why the Government who are noted for their strength of mind, should vacillate in this particular issue; it is really amusing.

“Mr. President, in conclusion I desire once again to tender my congratulations to the Hon. the Leader of this House on his having brought this useful measure which will be an example for the rest of India. Madras has always been taking the credit for having brought forward such utilitarian measures first and that tradition has been kept up.”

* SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“Mr. President, I rise to congratulate the Hon. the Minister for Public Health on introducing a measure which, I am told, is the first of its kind in the country.

“We are told that the death-rate in our country is appalling when compared with other countries in the world. Sanitation, especially in the rural parts is very much neglected with the result that thousands and thousands are dying neglected and uncared for. As a villager myself, I know Sir, specially when there is an outbreak of cholera or other infectious diseases, how the villagers are suffering for want of medical care and attention, not to speak of prophylactic treatment. When a person gets the disease, his neighbour does not know about it; in fact even the patient does not know what is the nature of the disease that he is suffering from and when questioned, he himself says that it is due to the hard and heavy food he had taken the night before and that as a result of it he is having purging and vomiting. As a matter

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of fact, it thus takes at least ten days for the Health department to know about its outbreak; and by that time the disease would have spread to other streets and possibly to other villages and there might have been many deaths. You can easily imagine Sir, how difficult it will be for the Public Health department to check and control the disease at that stage. The matter does not end there; some of the members of his family may go to the neighbouring villages to their relatives' houses and even spread the disease there; thus village after village is ruined. I, therefore, think that a Bill of this nature is very urgent and absolutely necessary, having regard to the present state of public health in our Province. I would say without fear of contradiction that the Bill when it becomes law will certainly go a long way to improve the health conditions of the country and I hope the Government will take a keen interest in the matter and see that villagers especially are well educated in hygienic principles. More than enforcing the provisions of the law, this is very essential.

"Further the villagers should know the various provisions of this Bill and they should also know that if they offend against its provisions, they will be prosecuted. The Hon. Dr. Rujan, while introducing the measure, told us that steps were taken by the Government in this direction. Magic lantern lectures were delivered to the people and the people were educated in the matter of observing the principles of hygiene. But, generally, Sir, the officers of the Public Health department visit only the villages on the roadside and this knowledge seldom reaches the villages in the interior, which, more than others, stand in great need of it. Only those people in the villages on the roads and towns get the benefit of such propaganda but not those situated in the interior and it is very essential that they should reach them also. Steps should be taken to improve matters in this direction. I would suggest that the Government should consider the possibility of appointing a staff at least temporarily for a period of two years from the date of the passing of the Act so that Health Inspectors and Sanitary Inspectors may carry knowledge to the interior villages and educate the villagers sufficiently with regard to hygienic principles to be followed by them. Unless and until that is done, I think it would be wrong to prosecute persons for a violation of the law. I shall now take for the sake of illustration one section of the Bill. It says that the people should not ease themselves in the open ground and also so many conditions are laid down there. If you visit any panchayat village, you will see how many latrines there are in the village; invariably they are situated in the remotest corners of the village. When you insist on such conditions, it is but fair that you should provide as many latrines as possible in all convenient places so that the people may be able

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to ease themselves in them without any inconvenience. If many latrines are provided, the enforcement of this provision will become very easy and the administration of the Act becomes a grand success; but without such provision being made, apart from its not being a success, it will only serve to persecute innocent villagers.

"Sir, enormous powers are given in this Bill to the Health Inspectors and Health Officers. Of course I do understand that the Hon. Minister for Public Health has taken care to see that sufficient provision is made for the punishment of such officers who may go out of their way to harass the people unreasonably. We are grateful to the Hon. Minister for that, but at the same time I would like to request him to give strict instructions to such officers not to enforce the health provisions very strictly until such time as the public get sufficient facilities to carry out the provisions of the Act. That is the suggestion I wish to place before the Hon. the Health Minister, because I know there are some places where there are not sufficient facilities for the observances of the health provisions contained in this Bill. 11-4 a.m.

"Again, Sir, there must be some appellate authority when the Health Officer drives the villagers to the necessity of incurring some expenditure by way of damages; and the appeal should lie to the Director of Public Health. Unless there is provision for such an appeal, I fear a great deal of hardship may be caused to the general public by the Health Inspectors and Health Officers.

"I want to refer to one other matter, here, though it may not have direct connexion with a measure like the present one which deals purely with health. I want the Government to deal with the problem of beggars. It is a notorious fact that beggars roam about the streets in the village and in the city and town, and they sleep on the pials of houses. You know, Sir, we Indians are a charitable nation; consequently the beggars frequent the houses of people to receive alms. They carry the germs of disease with them and thus spread the disease from house to house and also from place to place. In this way they will become a regular nuisance in due course. Perhaps it may be asked how this is relevant to the present Bill; but as this menace shows a tendency to grow everyday and as it affects the health of the people, I felt it incumbent on my part to bring this matter to the notice of the Hon. the Health Minister.

"There is another matter closely connected with the health of the people, and that is the safety of property and lives of the people. It is a well-known fact, Sir, that in the summer months sometimes entire villages are burnt down on account of fire accidents. We know, in the towns, there are fire engines ready with water to rush to help in case of fire accident. But in the

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villages, water is available only at a distance of one or two furlongs from the village, the villagers do not have the presence of mind to fetch water from that place and they have not got the necessary vessels ready at hand to bale out water; consequently what happens is, when there is a fire accident in one part of the village, the villagers do not have the presence of mind to bring water from the place where water is available; and even should they do so, as it takes a long time, by the time they bring water to the scene of accident, the entire house is burnt to ashes. I have seen Press reports of fire accidents in village after village in the summer months, where human lives have been lost, and where several cattle have been lost. I know this subject does not come directly under this Health Bill, but all the same it comes under the safety to the health of the people. In this connexion I would invite the attention of the Hon. Minister to the system that prevailed in ancient days with regard to fire accidents.

'Vessels filled with water shall be kept in thousands in a row without confusion, not only in big streets and at places where four roads meet, but also in front of the royal buildings. If a house-owner is not found to have ready with him water-posts, a kumbha, a deona, a ladder, an axe, a winnowing basket, a hook and a leather bag, he shall be fined one-fourth of a pana.'

"Sir, those are the things kept in readiness in olden days to prevent fire accidents. I read this from Kautilya's Arthashastra, page 177. The Government need not take this drastic step, but at least they can make a regulation to the effect that in villages where you have not any agency to prevent fire accidents, you can ask the village munsif, the karnam and the totis to have water at least at places where four roads meet ready for emergencies, instead of leaving the poor villagers to go to a distance of one or two furlongs and bale out water to the scene of occurrence. As I said, very often they will not have the presence of mind even to bring the water. I place this fact before the Hon. the Health Minister, because I know he has a warm corner for the ordinary people, and if he does this, it will go a long way to improve the life in the villages."

DR. SIR K. V. REDDI NAYUDU :—" Mr. President, during the last eighteen months it was scarcely given to us to be able to join hands with the Government and extend our co-operation in the matter of legislation and other measures that came up before the House. We opposed several measures because we honestly believed that those measures were not for the good of the country. There were measures on which we sat silent on these benches, because we thought that there was nothing calling upon us to make any remarks. In objecting to those cases, there was not the slightest intention on our part to oppose for opposition's

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sake, or to embarrass the Government. To-day, however, Mr. President, we have before us a Bill which is very nobly conceived and whose results we hope will be seen in the villages. Some objections were no doubt raised, such as for instance, that the powers now enjoyed by certain local bodies were taken away, and that the Government have appropriated them. But I feel, Sir, that such objections can be raised on almost every Bill. It is humanly impossible for any Government to produce any measure to which intelligent minds cannot find some sort of objection, or other. But one thing can be said about this Bill, that whatever local bodies might feel on one or two matters, like the one that I have mentioned, or the one about the constitution of the Public Health Board, it must be admitted on all hands that this is a measure to which serious objection cannot be taken in any direction. It is true that our death-rate is very high; but, fortunately our population is increasing by leaps and bounds. The food problem, perhaps, will have to be tackled very soon; for though we are able to supply our own food and though it is true that we are not in the unfortunate position of some countries, like England, where three-fourths of the food consumed is imported from other countries, yet we should be prepared to face such a situation, as we are already reaching the border line, when we have to find measures which will increase our food production. That aspect was referred to by one hon. Member the other day. I join with him in some respects in saying that our young men and women must certainly be stronger and healthier than they are at present, but I would add that we should devote ourselves to the increase of national food production. And this Bill, I am confident, will help us in that direction.

MR. PRESIDENT, the hon. the mover of this Bill has appealed for the co-operation of the public in this matter. I entirely agree with him in that. For, without public co-operation it is not possible to carry out all the good intentions of the Hon. Minister under the provisions of this Bill. Even acts which could not be easily concealed, if committed, could escape the long arm of the law. Here are matters, many of which could easily be concealed, and the offenders might escape from the clutches of the law. The only thing that could sufficiently and efficiently make this Act operative is public co-operation, for which the Hon. Minister has appealed. There are one or two ways in which this public co-operation may be secured. It is admitted on all hands now that our people are illiterate. Most of the faults they commit are due to their ignorance rather than a desire to wilfully disobey the law. And in order to remove this illiteracy, I will have to appeal both to the Hon. Minister in charge of this Bill and the Hon. Minister for Education, whose presence here,

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we all appreciate and we are glad to note. Judging from the first impressions, he is a very vigorous and active gentleman. And let us hope he will not lose any time in introducing compulsory elementary education, and, Sir, free education too.

"Another direction in which the whole Government can do their bit is by developing adult education. After all, the children will learn something at school. But our adults, about eighty per cent of them, are perhaps very ignorant and very superstitious. Adult education can do a lot to wipe out this. The Press, the platform, the radio and such other useful appurtenances can be very well utilized. Recently there was a conference on the subject of adult education. Many good speeches were made and many speakers made suggestions which are sure to be beneficial if carried out, I would invite the attention of the Hon. Health Minister to the proceedings of that conference and ask him to see in what manner they could help adult education. If that is done, and if this Bill itself is administered in the spirit in which it is conceived, I have absolutely no doubt that public health will improve enormously and that the death-rate of children in this country, which is unfortunately very heavy, can be reduced. I would, therefore, not only extend my co-operation but heartily and sincerely congratulate the Hon. Minister on the introduction of this Bill."

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noon.

* SRI A. RANGASWAMI AYYANGAR:—"Mr. President, as one who has some connexion with the administration of local bodies, it is not a secret if I say that the local bodies themselves will be glad to be relieved of the odium of administering many of the health provisions contained in the Local Boards Act. It is very often the case that some of the miscreants against the health laws are the well-to-do and influential persons of the locality. Very often the local bodies find themselves unable to carry out the laws against such persons and, therefore, they will themselves welcome the taking over of the responsibility of the enforcement of the health laws by the Government. Therefore, the objection that the powers of the local bodies are sought to be taken away is not a valid objection. The local bodies themselves may very well welcome the provision relating to the carrying out of the health laws by a central authority as it is provided in the Bill."

* SRI V. V. JOGAYYA PANTULU:—"Mr. President, while agreeing with the previous speakers about the usefulness of this Bill and the congratulations offered to the Mover of the Bill, I wish to say a word on behalf of the conscientious objectors to vaccination. They have asked me to represent to the Mover certain facts in order that the exemptions that are granted may be really

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useful to them. They say that the exemption that is now granted is really on paper and would not benefit them in any way. No doubt, some hon. Members will be very pleased if it is really so. In that case, it is as well not to give exemption at all. There is no use in granting them on paper and denying it in practice. The conscientious objectors say that the exemption sought to be given in clause 76 applies only to infected areas and unless a clause is added making it applicable to all areas, it would in practice prove to be of no use. As it is, the exemption now provided does not affect in the least compulsory vaccination laid down in the District Municipalities Act and Local Boards Act. In England this exemption is extended to all areas. There is no question of isolation at all there. Even after all conditions are fulfilled it is strange that the Magistrate has been given discretion to exempt or not. If really the Mover meant that exemption should be put in force then the Magistrate should be allowed no discretion in the matter and the discretion should be left to the conscientious objector.

"Then, another matter for complaint on their part is the method of isolation. If at all, it should be confined only to the person who objects and not to his family, as it is done now. I put these suggestions of the conscientious objectors before the House for giving them a real relief instead of merely paper relief."

* SRI DIWAN BAHADUR R. SRINIVASAN:—"Mr. President, special measures must be adopted to stamp out leprosy from our Province. The Government have included it as one of the infectious diseases. There should be restriction to the movement of the lepers, particularly in railways. These lepers freely get into the third class railway compartments, and the infection is carried to other passengers through the medium of bugs which are known to infest these third-class compartments. In other countries, I know, special carriages are provided for lepers. On the leper's intimation to the railway administration of his intended movement, the date and the time are fixed for his journey. On that day he is allowed to enter into the carriage, the carriage is then attached to the tail-end of the train and he is taken to the destination. After that the carriage is disinfected and fumigated. Great care is taken about the movement of the lepers in other countries. So we must try our best to stamp out leprosy from our country also.

"There are animals for instance, pigs, and also plants that spread leprosy. Pigs should not be allowed to come into the streets, within the locality or in the town. When they are to be slaughtered, there should be a special place or rather slaughter-house for the pigs, about a couple of furlongs or so out of the

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towns. In the slaughter-houses also I should think that much care is not taken as to whether the animal that is brought there to be slaughtered is fit for human consumption or not.

“ Even in Madras City we see pigs running about. Then again, of course we do not see plants spreading leprosy so much here in this country. But I was told that in Rhodesia leprosy was spread in various parts of the country to a large extent. The people did not understand what was the cause and they were trying their utmost to find out the cause. At last they found that it was the black pepper trees that were planted on either side of the streets as ornamental trees which were the cause of it. And then they cleared those trees and in course of time leprosy was stamped out. We must be very careful with regard to men, animals and plants by which leprosy is spread.”

* MRS. HENSMAN:—“ Mr. President, in congratulating the Hon. the Minister in charge of this Bill, I would like to associate myself with those who have said that it is a power for good and will be very much more potent in future with greater propaganda and better education.

“ Some of us would like to have seen a little more expansion of clause 82 dealing with maternity and child welfare. It is probably one of the shortest clauses in any Bill; but as it provides for all that is necessary by the words ‘ bound to carry out such measures pertaining to maternity and child welfare as may be prescribed,’ it does convey probably all the powers without saying so. Probably it is a better way of propaganda not to add a whole list of things and scare people as to what is coming.

“ It is sub-section (3) of section 76 that has been spoken of most here and in connexion with that we have heard the points of view of both sides this morning. We have heard the views of those who would like the clause to be amended so as to make it more rigorous and give less room for those who are conscientious objectors for spreading epidemic diseases; we have also heard the point of view of those who are conscientious objectors and who would like to have this clause taken out, because they feel that it makes it very difficult for them to go before a Magistrate and to have their point made clear. Now, as a Presidency Magistrate myself, I would like to say that there would probably be a certain amount of hesitation in giving effect to this clause; for instance, it is left to the Magistrate to determine what restrictions, what kind of isolation and for what period this isolation, should be observed. Of course, the Magistrate, in consultation with a doctor, will be able to put forward these things. Even then, with all the arguments with regard to restrictions and differences of interpretation regarding isolation, we like to maintain that we do not want the ‘ a man in a cave ’ theory, each one to go to his own cave

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and isolate himself. In modern days it is not at all possible to do this in towns or even in villages where people have to go to the same well for water and for washing their clothes, each carrying some infection. It is almost impossible to ask for isolation of an entire family on account of any disease, especially such diseases as are dealt with in section 76 (2) (b), where vaccination and inoculation are made more or less compulsory. I would like to say that these restrictions should be made far more heavy and be far more clearly stated so that the isolation of those concerned may be really effective. It is as a woman that I speak, because I know how much I have dreaded myself taking vaccination or inoculation into my family. But, it is easy to protect ourselves by injecting some serum into a child or a grown-up who is up to that time perfectly well and as far as humanity can say he will probably escape such and such a disease. It is a form of protection to the society as well as to the individual. Up to now we have heard of conscientious objectors in matters of religion. Now, families who are religious in health matters may ask the Health Officer to have them exempted by a Magistrate and cause a certain certificate of exemption from inoculation and vaccination to be issued. It should be made very clear that these families should not be channels of infection. They should be isolated from any activity that would bring them into contact with others. Conscientious objections are coming to be dealt with as religious, and this probably is not a question to be treated as a matter of religion. If there is to be such a clause as a conscientious objection clause, I repeat that some of us would ask that it should be made very much clear as regards what isolation, what restrictions and what precautions must be taken, because, we will notice in this very section, section (3) (b), that the penalties and punishment provided for in this Bill can only be brought into force and levied to protect society after the infection in question has been passed on to other families by those who pledged themselves to observe certain restrictions. For the future health and welfare of the nation, this Bill should be strengthened in this way.”

* THE HON. SRI C. RAJAGOPALACHARIAR:—“ Sir, I just wanted to explain the point raised by Mr. Jogayya Pantulu about the provision to exempt the conscientious objectors from vaccination or inoculation and it has been clearly and satisfactorily replied to by Mrs. Hensman. Mr. Jogayya Pantulu stated that it would be proper to extend it to all areas and not merely confine this provision to areas notified for infection. Mr. Jogayya Pantulu pleaded that exemption from vaccination should be extended under the Local Boards and Municipalities Acts to all district board areas and municipal areas. I think I had better explain the principle underlying this provision. If there is infection, acute infection, in any place, there is meaning in the Government

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telling the man who objects, 'If you isolate yourself, you will be exempted from this, if we are satisfied that you will not endanger others.' He can be isolated for a definite length of time and in a definite place. But if the general law of vaccination in municipal areas and district boards has to be provided with similar exemption, the man will have to isolate himself for a lifetime. He will have to be isolated for all time and under normal circumstances. This would be impossible. The greatest exponent in India for the time being of the conscientious objectors' position has admitted that it would be just on the part of the Government to insist that the man who wants exemption should offer to voluntarily isolate himself satisfactorily. This can be done only in the case of notified infected areas for a limited time. It is impossible to isolate one for all time. Hence it is that this conscientious objection clause has been introduced in this Bill and it would not be applicable at all in the other case. I wanted to explain this to the conscientious objectors. That is why I intervened."

* THE HON. DR. T. S. S. RAJAN:—"Sir, I am very grateful to all the Members of this House, particularly to the Opposition for the wholehearted support which they have given to this Bill. Whatever may be the attitude of the Opposition at other times and in other places, I for one, as Leader of this House, can say without any fear of contradiction that our Opposition here has always been very discriminating and helpful. Therefore, I am not in the least surprised that I had this wholehearted support from the Members of the Opposition to this Bill.

"Coming to the various criticisms that were offered, I have to offer a word of apology first of all to Mr. Narayanaswami Nayudu for the complaint he made that he did not receive a copy of the Bill that he had asked for. It was not my desire to keep him out of it or to be discourteous to him. His letter was acknowledged and in the letter of acknowledgment it was stated that it was not possible for us to send the Bill, because it had not reached a stage when it could be sent. Therefore, while the Bill was in the process of making, it is not fair or right for the Government to distribute it for opinion. When once the Bill has been completed and made public, then it is open to all interested Members to offer any criticism they think necessary. In fact, the Bill has been before the public for over three months and if people had only cared to be critical and helpful, it would have been the easiest thing to have sent in helpful suggestions that may usefully be incorporated in the Bill. While pleading inability on behalf of Government to send the Bill as soon as it was asked for, I would say that sufficient time has been given to all the Members to enable them to give such help as they thought fit, so that the Bill might be made completely useful and at the same time sufficiently exhaustive.

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"Well, another question was raised about the finances. A careful perusal of the Bill will tell you that financial provision has been made and it is one of the features of this Bill, which I claimed for it on the day when I introduced it in the House. An obligation is laid on all local bodies to set apart to the extent of 30 per cent of their income apart from the Government contribution. Thirty per cent is the minimum laid down in this Bill. But Mr. Narayanaswami Nayudu said, 'I do not know what local bodies have so far been contributing.' I may, for his information, state here that on an average municipal councils all over the Province are to-day contributing a little over 34 per cent. The fear may be expressed that your minimum might induce people to cut down this expenditure. But that fear may always be there. But it does not necessarily mean that they should not spend more. Thirty per cent is only the minimum and we have in view those small municipalities which are now coming into existence the finances of which are still low and which have not yet seen their way to the importance of health matters in local administration. To such bodies this 30 per cent rule will necessarily apply. It does not come into operation in the case of the Madras Corporation, for instance, which spends nearly 50 per cent of its revenues for health purposes. As regards local bodies other than municipalities, I remember to have said the other day that the presidency average expenditure of local bodies on public health is only 8½ per cent and in this Bill we have made it compulsory that they should spend 12½ per cent at least. There also the Government contribution is excluded. Therefore you will find on the whole that while we did not go far beyond the resources of the local bodies in making it obligatory on them to spend a definite sum for health purposes, we have taken care to see that we did not strain their finances unnecessarily. That perhaps is the keynote to the financial obligations laid up on the local bodies by this Bill.

"In this connexion I would like to answer all those objections raised, even those from my hon. Friend, Mr. Saldanha. People are generally under the impression that the Provincial Government do not spend sufficiently for public health purposes. I would like to correct that misapprehension. To-day we are spending for medical and public health purposes in this Province a little over 2½ crores of rupees out of a gross revenue of 16 crores and nobody can complain that our contribution to public health expenditure is at all mean or niggardly. Therefore it is not as if the Government are not doing what is necessary. My contention is that we are doing more than what is possible under the present conditions, for it should not be forgotten that in all undertakings of water-supply to municipalities, the Government give half as free grant and half as loan. When Mr. Saldanha talked of loans

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to municipalities, I wanted to give him this bit of news that no loans for health purposes, particularly with regard to water-supply and drainage schemes were ever refused. And in accepting this big commitment on our resources we have dealt unfairly with villages, for we have not made the same amount of contribution for villages as we have done for the municipalities in the past; but it is just to make amends that we have made it the first act of our Ministry to put aside 15 lakhs of rupees for rural water-supply to be entirely financed by the Provincial Government and this fund is not the last word on the subject. We have made this as a start, as the nucleus of our water-supply fund which, according to the finances at the disposal of the Government, will be augmented as often as it is possible. A ten-year plan of complete rural water-supply has been drawn up and year after year I do hope it may be possible for this Government to realize all that they have promised and that the funds shall be used with perfect co-operation between the health authorities, the revenue authorities and the local bodies concerned. It may be possible at the end of ten years to stand up and say that we have fulfilled our trust to those lakhs of villagers whose lives are entrusted to our care.

“ With regard to the constitution of the Health Board, it is unnecessary to say anything more in view of what has come from the Leader of the Opposition. I can tell him that he is certainly right in the conclusion he has arrived at that Sir Pannir Selvam did not put up this objection while in the Select Committee. I hope I am not disclosing any secrets of the Select Committee when I say that in deference to the wishes of my hon. Friend, I said that I would accept the challenge that he put up, namely, ‘The responsibility of working this Act shall be entirely yours and I do not want you to share it with the elected Members of this House. Whomsoever you want you had better nominate and do not strive to create a loophole in cases of failure.’ I took up the challenge as one who had to work the Bill, I was not afraid of taking up the challenge. It may be that the Public Health Bill in its working may create unpopularity. As one who believes in the principles enunciated in this Bill as the correct thing and the best thing for the nation, it is not the loss or fear of loss of office that is going to frighten me from the position I have taken. In fact, I took up that attitude much against my wish, even though I had clearly provided for election for the Members of the Board from the Legislatures in the original draft. It was subjected to severe criticism even from our own party but I thought it wise and good that when once the point of the Opposition was made clear, it was but right that we must accept the responsibility for our action and that is what I have to say to Sir Mahomed Usman as to why we preferred nomination to election.

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“ One other point I would like to place before this House. A large number of representations were received by us demanding representation of particular group interests. There were women’s associations that wanted representation on the Board; there were the railways that wanted representation on the Board; there were the local bodies that wanted representation on the Board; there was the Madras Corporation that wanted representation on the Board. If we went about trying to satisfy everybody that wanted representation on the Board, it would cease to be an effective advisory body and it would become a deliberative chamber, in fact it would be a sort of small legislature; and that was not what was meant by the constitution of this Board. Though the Board’s function is entirely advisory, I may tell this House here and now that this advisory function is, for all practical purposes, to be a responsible function. We want this Health Board not merely to give irresponsible advice and go away, but to come and share the responsibility of the health administration in this Province, so that instead of the Director of Public Health or the Health Minister making himself responsible for anything, they will give such help as will render the decisions more acceptable in view of the criticisms that have been brought to bear upon this subject. No subject is exempt from the operation of this advisory Board and everything concerning health, decision or consultation, shall be provided for in the regulations to be made in regard to the rules governing the Health Act and in the rules and regulations of the Health Board. The functions of the Board should be real and not merely spectacular.

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p.m.

“ With regard to the appointment of the Health Officer, my learned Friend, Mr. Narayanaswami Nayudu, gave a lot of illustrations, amusing as they were as he himself told, so that he might make his position clear. I do not think that the *Bomma-latam* is going to be of the kind that he imagines, but I may assert with some amount of confidence that the Health Officers have got to assert their individuality, particularly in cases where immediate and quick decision is required, and when they are face to face with an epidemic. Particularly during times of epidemics they cannot be mere automatons. Even if you put a number of rules in the statute-book, none of them should take away the initiative, the responsibility and the due sense of service, that is required of these Health Officers. In fact it is just the other way to what my hon. Friend, Mr. Narayanaswami Nayudu pointed out. This Act is more or less meant to make him efficient, not only efficient and useful, but more resourceful in the discharge of his duties. If we have given him sufficient power under the Act, it is not to make him an automaton in his service but to make him discharge his duties with a certain amount of responsibility with the help of his intellect and with the education and training that

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has been given him, so that he may be in a position to save human life. Therefore, I simply cannot take up the position as suggested by my hon. Friend on the other side. He said that we have tarnished the gem of the Public Health Act in the large powers given to the Health Officers, and the Health staff. But I would assure him that we have not tarnished it, but that we have rubbed it well. By rubbing it we have turned an ugly unburnished diamond into a brilliant one. We have improved it to such a brilliance that one can say that it has risen from 64 to 128 facets. We have cut it into so many facets that it will glow in brilliance from time to time. If anything, you can only say that we have improved the Act. You can never say that we have tarnished it. We used to say that tarnished gems are always given to Gods in the temples; but this Bill, the Public Health Bill, is not intended for the pleasure of Gods in the temples, but for those Gods that are represented in the millions of our people who die from epidemics and whom we want to save. We have rubbed it well, as I have said already, and raised its brilliance from 64 to 128 facets, as a result of the criticism from the public and the Press and also by making it undergo a prolonged procedure in the other House.

“One of the hon. Members, I think it was Mr. Saldanha, seems to have been tickled by the fancies of our people. Now he is glad that an obligation is cast on individuals to cover their own excreta, particularly in public and private places. That is a very important thing from the health point of view. I am glad that a Biblical quotation has been given to the House and pious Christian as he is, he has thought it fit to support this clause, with a Biblical sanction behind him and I am very thankful to him for this information.

“Then my hon. Friend, Dr. Thomas told us that this is an economic measure. In fact, it is a precursor of economic reconstruction. I certainly agree that, with some more economic resources at my disposal, I should reconstruct the national diet of our people by giving them a scientific diet, and by giving them better food. If hon. Members who have expressed their views in this respect were to co-operate with us and educate the people on the advantage of good feeding of our children with proper and scientific food, and if we are able to save millions of children from death, it would be a glorious day. But working under such limitation as we are, we have to concert only half measures. Even these health measures, I know, will not give all the health that is necessary to our people, nor even the prolongation of life which every one wishes. But in so far as this Bill is meant to protect the people against disease, it certainly gives enough authority and enough power and enough legal sanction to put into practice measures for the safety of our people.

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“With regard to the suggestion of Mr. Saldanha that there should be statutory committees in all districts, I really could not understand what the hon. Member meant when he said that. I may remind him that to-day there are health committees in all municipalities, and in all district boards and nothing would prevent panchayat boards also to have health committees of their own. But to ask us to make a statutory provision to that effect would defeat the purpose which we have in view. We have made this Health law applicable to the smallest villages and none will prevent village people or the panchayat boards from giving effect to this provision of law. But the idea of an advisory body of a Public Health Committee being statutorily conceived does not appeal to my imagination. I really believe that co-operation is more necessary than these committees and other things. The creation of a healthy public opinion is more important than many clauses in the Bill. For the benefit of Members of this House, I may mention that the Government are already in communication with the Health department to the effect that before this Bill is passed into law and put in operation, before the penal clauses are enforced, the education of our people in matters regarding public health must be undertaken. That is one important fact which I can lay before you with regard to the intentions of the Government in this matter. Even with regard to educational bodies, I believe attention to health forms an important function of all people and all bodies—we are having a conference of educational authorities within the next few days so that we might have an educational health programme which could be well-fitted in the working of this Health Act. I think the public ought to be educated in regard to matters of sanitation and the subject of imparting to the people instruction on health matters should be made compulsory. This will show to you that we are not taking an academic view of the whole Bill as such, and that we are thinking far beyond the clauses contained in this Bill, and we hope to create a health conscience in our people, so that the administration of the Health law may become efficient and useful, without which I assure you that the whole Bill will defeat its own purpose.

“I have got only one more thing to refer to and that is with regard to the observations made by the Hon. the Leader of the Opposition regarding want of discipline or something with regard to leadership in the party. I have been here as Leader of the House and I can assure Mr. Samiappa Mudaliyar, at any rate in this House, with a certain amount of confidence that neither was there any difference of opinion, nor was there any lack of discipline on the part of the Leader of this House.”

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—

“With regard to the Annamalai University affair, I was attacking.”

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* THE HON. DR. T. S. S. RAJAN:—"That was a different thing and I should have thought that that matter was not referred to now. In fact a reference to that affair proves the great discipline that we are having. In fact when that question was raised, I accommodated Sir Mahomed Usman and said that we would take the next opportunity for giving a seat to the Opposition. If that affair proves anything, it proves the amount of accommodation that is shown by the Government in this House."

* SRI B. NARAYANASWAMI NAYUDU:—"Steam roller."

* THE HON. DR. T. S. S. RAJAN:—"Steam roller! It has got certain functions to perform. You cannot perform all the functions with the help of a small ruler or other kinds of rollers. The steam roller has got to be maintained for maintaining certain works. If we use the steam roller for the purpose of our party, I do not think that it is really wrong. There are some kinds of work where the steam roller becomes necessary and which the steam roller alone can do."

"With regard to what my hon. Friend Mr. Ramakrishna Reddi said regarding the necessity for provision against outbreaks of fire in villages, I should like him, if possible, to come out as a real leader and be more charitable than he has been telling us. I would like him to dig a few more wells for his village, and the Government and the villagers will thank him for such an act of philanthropy; because after all, what he complained of was that there was not enough water-supply during outbreaks of fire. My own opinion is that sometimes fire is a very good, and perhaps the greatest, disinfectant that man or God can give. Some houses are unfit for human habitation; many things such as bats, bandicoots, mosquitoes, etc., which haunt such dwellings, will die in the fire. I dare say the same fire means different things in different circumstances. On some occasions fire is a good thing because we consider it necessary for expiating our sins by making certain *homams* on fire. On some other occasions fire results in loss of lives. Scientifically conceived fire is a good thing. It does not mean that for all conceivable fires provision should have been previously made. If provision for a bucketful of water has not been made it will not matter much. The quotation from the *Arthashastra* does not carry us much further. It only shows that we have lost our traditions. We have slipped from the original position which we once occupied. I would suggest that instead of a bucketful of water a bucketful of sand might be kept. Sand is more helpful in checking the spread of fire. I certainly do not object to more water being kept. As far as the Government are concerned, all that I would like to state is this: we have taken measures to provide water-supply not only in municipalities but in rural areas also."

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"I do not propose to deal with the question of conscientious objectors, because it has been effectively dealt with by the Hon. the Premier. I cannot accept the position of my hon. Friend Mr. Jogayya Pantulu. If you are not for this effective isolation, you cannot introduce a conscience clause in the Bill. Sir, I believe in vaccination; I believe in inoculation as a remedy against disease. As far as my medical knowledge goes, I do not find any better remedy against such diseases than what prevails to-day."

"There is only one more thing to which I would like to refer and that is a vague suspicion that was raised by the hon. Lady Member of this House, that if we isolate people they should be left without water or food. What we propose to do is to lay down rules by giving directions to the Health staff as to what they should do when isolating people. If we isolate a person it would not be our desire to kill him without giving him food or water, but would certainly provide him the necessary food and water. But we shall make effective safeguards against the spread of infection. The obligation will be on both sides. When we make a provision for isolation it will be done with such care and thoughtfulness that any man who isolates himself will have nothing to fear apart from the consequences of isolation. For conscience to him is more than his health and more than his life and to such a man we shall not deny the means of getting anything in the nature of human comforts. We shall certainly protect him as we want to protect ourselves against him. The rules framed will be consistent with the idea I have mentioned."

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"With regard to child-welfare and maternity work, I may assure this House that we are not unaware of the importance of child-welfare and maternity work. Those of you who have watched the progress of the work in this Province will note that we are not slow in this matter. But it is a work which has been voluntarily taken up by our sisters and brothers in this Province and I should congratulate on this occasion the Assistant Director of Public Health who has found it possible to tap so much of private charity for this most humanitarian cause of maternity and child-welfare. But we are far from our goal and heavy and strenuous work is necessary to realize our cherished ambition of having a safe maternity period for our women without the fear of death and without the fear of an early grave for the children born in this land. We shall strive to do our best, but I am afraid legislation will not take us very far, for legislation necessarily means finance. To-day we are giving only niggardly grants for schemes for child-welfare and maternity work. If our finances improve as we hope they would, it will not be difficult to divert as much money as is necessary for such most useful purposes of national reconstruction."

"With regard to the eradication of leprosy, my hon. Friend, Rao Bahadur R. Srinivasan, made some observations which I feel

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it very difficult to accept, because it is contrary to all scientific concepts on this question. He suggested that not merely men but animals and plants also are all communicating this disease from person to person. He mentioned bugs also if I remember right, in public conveyances and he has told us the story of how in railways and public conveyances in other countries, accommodation is reserved for the transport of people suffering from this disease. Sir, this Bill does make provision for it. We have made it an offence if public conveyances, railways included, carry infected persons. If they do so, they will have to do it under proper precaution. The railways are not exempt from this.

"Another thing is this. While I do not accept the theory that leprosy is communicated by trees or animals such as pigs, I really feel that there is no agency other than the human agency that is the cause of the spread of this disease. We have found after investigations and observations for a number of years that the close contact of a leper with another is responsible for the spread of the disease. We have also found that it is more communicable during the earlier stages of the disease, particularly in undetected cases. What appears to be an innocent skin affection is proved to be a most infectious form of disease easily communicated to other people. Therefore, in the development of the leprosy campaign in this country we have taken a new road altogether. We have tried to deal with the disease at the source, i.e., the children, and by protecting the children against this infectious disease we protect the community as a whole. Thus we have tried to grapple with the problem in the most rational way.

"A question was raised this morning as to what was the new policy of Government with regard to leprosy and whether we were going to turn the lepers out into the streets. We are going to turn a good many of them out into the streets, for the leper hospitals are not poor houses. They are hospitals where leprosy has got to be treated, so that society may be protected against the infectious nature of the disease. The leper hospital is essentially a public health institution, not a charity organization. While there are missionary bodies and other charitable, religious and philanthropic institutions to cater to those who are poor and miserable, we as a Government are interested in the public health aspect of leprosy. Our desire is to prevent leprosy from spreading to men and women who are not at present affected by it. We are confident that we are moving in the right direction. Leprosy has been eradicated in very many countries in the world and it is beyond doubt that it can be eradicated. It is certainly possible in this country also, provided we adopt the right measures. In order to adopt the right measures we must know the method or procedure of eradicating the disease. That is what we claim we are doing. It is not really that we are not moved to pity at the sight of suffering

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humanity and therefore we want to turn them out into the streets. We are very sorry we have to do that; but we cannot with our limited resources cater to the large leper population which runs into lakhs and lakhs. Therefore, while we spend all the money for the public health of the Province, for preventing the spread of infection, we cannot certainly be held liable for the protection of the helpless and maimed of whom there are so many in our Province. Even the hungry and starving people are deserving of attention as much as the maimed lepers. A maimed leper is an economic waste so far as society is concerned; he is not a source of economic strength to the country. But it will be a sin to impose a burden on the finances of the Province in order to provide for these maimed people. Of course these poor maimed people must be taken care of by those who have the sympathy and the resources for it. But from a national point of view they are an economic waste. If I say so, it must not be supposed that I have no human feeling for these people. Certainly they ought to be taken care of, but the Government with its slender finances cannot undertake a function of this sort which is very colossal.

"I think, Sir, I have covered most of the points which have been raised in the course of the debate which has been fairly exhaustive and illuminating. With the assurances I have had of goodwill and co-operation, I daresay that it will be possible to pass through the rest of the stages of the Bill easily so that the time of the House may be given to more important business that is ahead of us."

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

Clauses 2, 3, 4, 5, 6, 7 and 8 were put and carried.

Clause 9.

SRI B. NARAYANASWAMI NAYUDU:—"Mr. President, Sir, I beg to move—

'Omit sub-clause (2) of clause 9.'

"Mr. President, sub-clause (1) of this clause says that a local authority shall, if so required by the Government, include the post of a Health Officer in its establishment schedule. Of course that is not objected to. But sub-clause (2) says:

'(2) Notwithstanding anything contained in the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, the Government—

(a) shall appoint the Health Officers of all the local authorities (other than the Corporation of Madras) in respect whereof a direction is issued under sub-section (1);'

Hitherto under the law as it stands at present the local authorities have the power of making the appointment of Health Officers.

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Now what the Government propose to do is not only to compel a local authority to provide itself with a Health Officer, but also to take away the power of appointing that Health Officer from that local authority and vest it in the Government. The real question is this. I do not call this a tarnished gem; it is an excellent gem. But the question is whether it is malignant or beneficent. As I said before, the Hon. Minister for Education said the other day that the District Educational Councils were wild animals preying upon the animals of the village and therefore they should be killed. I want to know, Sir, whether the Hon. the Minister for Public Health thinks that the local boards are wild animals and cannot be entrusted with the power of appointing Health Officers. Of course the steam-roller can be employed and the question is whether it is proposed to employ it in the case of the local boards also. We have got about 50 municipalities and about 28 district boards in the Presidency and altogether there will be nearly 100 appointments of Health Officers. The Health Officer is one of the executive officers of the boards, and as I said already, the English Act gives the power to the local boards only of appointing Health Officers. Therefore, the question here is whether these local bodies are considered to be 'wild animals' which are unfit to be entrusted with the power of appointing the Health Officers. After all, Sir, it must be remembered that these local boards are footing the bill and the question is why the local boards should be deprived of the patronage of appointing these Health Officers. These local boards are going to select only those persons who have got the necessary qualifications which would have been prescribed already. All the 164 carats required for the gems will be prescribed and the district board president or the municipal chairman will not choose a gem which is less than 164 carats. The only question is who should choose the gems—the district board president and the municipal chairman or the Hon. Minister for Public Health sitting here? Personally I should say that the person who pays for the gem should have the right to select it."

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—"I second the amendment."

* THE HON. DR. T. S. S. RAJAN:—"Mr. President, I certainly cannot congratulate my hon. Friend as being a good appraiser of gems, for he has chosen a wrong gem and has not cared even to examine it properly. Section 76-A of the District Municipalities Act still stands and we have not altered it by repeating it here. The *status quo* is maintained and there is nothing new in this Act. I would also remind the hon. Member that the Government pay 75 per cent of the pay of the Health Officers in municipalities and the entire pay of the Health Officers in district boards. Therefore, even speaking as a fair business proposition, it must be left to the Government to appoint the officers for whom they

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pay. Then Sir, it is not the Minister who makes the appointments as he pleases. The hon. Member Mr. Narayanaswami Nayudu must know more about it. There is the Public Service Commission which makes these appointments and which takes good care to see that only fit and proper persons are appointed."

SRI B. NARAYANASWAMI NAYUDU:—"It is stated that the Local Government will appoint these officers."

* THE HON. DR. T. S. S. RAJAN:—"Of course, the Local Government will make the appointment; but it is done with the assistance of the Public Service Commission which is a part of the Local Government; selection is made finally by the Government. For the reasons that I have mentioned, I cannot accept the amendment." 1 p.m.

The amendment was put and lost.

Clauses 9 to 13 were put and carried.

Clause 14.

Sub-clause (1).

SRI B. NARAYANASWAMI NAYUDU:—"Sir, I move—
'For the words "Health Officer," the words "the executive authority" be substituted.'

The sub-clause says that the Health Officer in charge of any local area shall exercise supervision and control over all other matters of the public health establishment in such area. My proposal is the words 'the executive authority' should be substituted for 'Health Officer.' What I have urged already, will hold good in this case also. The question is whether the Sanitary Inspector and the subordinate officers should be under the direct charge of the Health Officer or of the executive authority. I am in favour of the latter."

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"Sir, I should certainly congratulate the hon. Member on his cleverness; by just making one verbal alteration, he has altered the fundamental basis of the Bill itself. What is wanted is that the Health Officer should have certain powers. What the amendment says is that the executive authority should be substituted for the Health Officer. We have made the change, because the present system is not working properly. The fundamental principle of the clause is that the Health Officer should have the help of some people in the discharge

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of his duties; it is not right to put these people under the executive authority who is not responsible for health matters. I cannot accept the amendment."

The amendment was put and lost.

Clauses 14 to 17 were put and carried.

Clause 18.

Sub-clause (3).

SRI B. NARAYANASWAMI NAYUDU:—"Sir, I move—

'Delete sub-clause (3) and substitute the following:—

"all public pumps, wells, cisterns, reservoirs of water, tanks, ponds or other sources of public water-supply shall vest in and be under the control of the executive authority and the executive authority may cause the works to be maintained and supplied with wholesome water."

- The idea seems to be that even private sources of water-supply can be declared as public sources of water-supply and the question is whether that is the intention of the Government. The sub-clause says:

'A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply, whether within or without the limits of its local area from which water is or may be made available for the use of the public in the local area for domestic purposes. . . .'

It will be noticed that it is not stated water from which source should be made available for the use of the public. It is not stated and it is doubtful whether the public have got a right to take water from a private stream, well or lake, etc. There is really no objection to water being taken from public streams, springs, lakes, etc. As I have already asked, the real question is whether a private well in a house can be vested in a local authority and whether the owner may be asked to improve it and make it an additional source of public water-supply. Not only that; the Palghat Municipality may think that a source of water-supply in Rajahmundry is necessary for the former place and keep it under its control. A local authority has only to get the permission of the Hon. Minister and it can declare that any source of water-supply is under its control, whether it is public or private. The same provision is given in clause 20. Clause 20 says that the Collector of the district may cause inquiries to be made in any local area with a view to ascertaining whether the provision of any additional source or sources of water-supply is necessary for such local area or part. It is also stated that a notice shall be served on the local authority or on the person owning or having control over the source of water-supply in the prescribed manner. If there is scarcity of water and if the Collector or the local authority thinks that additional source of public

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water-supply is to be provided, power is given to the local authority to take necessary action. If a well is dried up, is the poor owner of the well to be asked to deepen the well and allow the public to take water from it? I wish to know what the reply of the Government is. I know that there is another provision for controlling a well and stopping it from being utilized by the public, if it is insanitary or infected with any germs, etc. That is a different question. This question is about making a private source of water-supply into a public source. That is why I am moving the amendment. My amendment is taken from the English Public Health Act. I want that all public pumps, wells, cisterns, reservoirs of water, tanks, ponds or other sources of public water-supply shall vest in and be under the control of the executive authority and the executive authority may cause the works to be maintained and supplied with wholesome water. That must of course be done. Public wells should be made to vest in the local boards. The reason why I move my amendment is to see that private sources of water-supply are not declared to be public sources of water-supply and to be subject to the jurisdiction of the local authority."

SRI DIWAN BAHADUR R. SRINIVASAN:—"I second it."

* SRI T. C. SRINIVASA AYYANGAR:—"Sir, I do not see the force of the amendment. The provision contained in the sub-clause is quite necessary. In the southern parts of the Presidency, particularly in the cotton-growing districts in the south, we have not been able to find good sources of water-supply within the municipal limits or within the particular local board limits. We have to tap some distant source and this clause merely enables the local body to do the needful with the previous sanction of the Government. It may be a private source or private property; every necessary precaution will be taken for the purpose of compensating the owner for making it a public source of water-supply. The provision contained in sub-clause (3) is absolutely essential for the purpose of providing good water-supply. Recently I came to know that at a considerable distance from the municipal limits of Virudhunagar, lay a source of water-supply and it had to be conserved. Similarly a source of water-supply at a very distant place from Rameswaram supplies water to the town. There are many other places like that. I do not think that the existence of this sub-clause will affect prejudicially the rights of anybody; on the other hand it would be of great help to the local bodies."

* THE HON. DR. T. S. S. RAJAN:—"Sir, I must remind the hon. Member of the fact that there is provision already for public sources of water-supply being vested in the local authority; such a provision exists in the City Municipal Act, in the District Municipalities Act and in the Local Boards Act. Therefore, we need not go into that point now. As I have already stated, as long as a man uses his well for himself, we do not propose to deal with it.

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But if he wants to extend his generosity to a number of people who are not owners of the well, the Government have got to see that the source is kept clean; for that purpose the Government want to take power to have control over such wells. Otherwise, the moment the Health Officer goes near the well, the owner of the well may find fault with the Health Officer. Power is taken by this clause to enable the Health Officers to apply the provisions of this Bill to wells which are used by the public. If a well is unfit for use and if it is used, it will be a danger to the public; the provisions of this Bill should apply to such cases. With regard to private wells, it must be noted that in times of epidemics, we have got power to inspect and purify them. If I accept this amendment, it will make the whole provision very unsatisfactory. I also wish to bring to the notice of the hon. Mover of this amendment the very good illustrations which my hon. Friend, Mr. Srinivasa Ayyangar gave."

The amendment was put and lost.

Clauses 18 and 19 were put and carried.

Clause 20.

SRI B. NARAYANASWAMI NAYUDU:—"Sir, I move the following amendment:—

'Add the following words after the end of sub-clause (2) and before the proviso thereunder: "by the local authority."'

The sub-clause says:—"The Collector or other officer aforesaid may, after taking into consideration the result of such inquiries, by notice, direct that any source of water-supply be cleaned, improved, repaired or otherwise protected from contamination or that such additional source or sources of water-supply be provided as the case may be." The question is who should be directed to clean the source. I have no objection if the local authority cleans it. I say that a private owner should not be called upon to provide additional source or to deepen a well. The State has of course power to ask a person to keep his private well clean; the State should have no power to ask a person to keep his own well clean and allow other persons to use it. My question is whom should the Collector direct to keep a well clean. There is no objection to the word 'direct'. I have stated in my amendment that the source should be cleaned by the local authority."

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—"I second it."

THE HON. DR. T. S. S. RAJAN:—"There is no confusion at all in this Bill. It imposes an obligation on the Collector to see that sources of water-supply are kept clean."

The amendment was put and lost.

1-15
p.m.

Clauses 20 to 75 were put and carried.

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Clause 76.

Sub-clause (3) (a).

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I move the amendments standing in my name, viz.—

'Omit the words "as a result of a careful enquiry into the subject" in lines 5 and 6; and

'Omit the word "may" occurring in line 9 and substitute the word "shall."'

My object in tabling these amendments is to make clear the intention of the Government. What I want to know from the Hon. the Minister is this: even after observing all the conditions to be imposed by rules that may be framed by the Government hereafter, are the Magistrates still to have the power to say 'No' to the conscientious objector? That is the one point I want to know."

* THE HON. DR. T. S. S. RAJAN:—"Yes, that is so."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"If that is so, I would like to press my amendment. Why should the Magistrate be empowered to say 'No' even after the person fulfils all the conditions prescribed and agrees to isolate himself and to undergo solitary confinement? My idea is that if any person agrees to observe the conditions prescribed by the Government, the Magistrate must be in a position to exempt him from this clause. It is only with that view that I am moving these amendments."

SRI B. NARAYANASWAMI NAYUDU:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"Sir, ordinary jurisprudence will admit that we should not tie down the hands of our Magistrates in instances of this sort. Certain regulations are going to be framed and a certain number of persons can go and declare that to the best of their ability and knowledge, their conscience does not allow them to undergo the restrictions. That is the clause. And the Magistrate is supposed to enquire into such cases. First of all, when a man goes to him and declares to that effect, the Magistrate will find out whether such an exemption is essential in his case, whether the man is really capable of understanding what is meant when he says that his conscience does not allow such and such a thing, etc. These are technical matters which could not be defined. The local Magistrate will enquire into it and find out whether he understands it, whether he is only a rustic tutored by the anti-vaccinators to go and make any declaration before him, etc. In such cases, it is necessary that the Magistrate should not be compelled to give the exemption; he should be in a position to satisfy himself whether the claims put forward by the parties are *bona fide*, whether they are understood by the parties making them; and you must not merely ask him to see whether the formality is complied with and compel him to give the exemption. That will conduce to public danger. Therefore, Sir, I think, power

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must be given to the Magistrate to satisfy himself in this respect. I am sorry, Sir, I cannot accept the amendment."

The amendments were put and lost.

Clause 76 was put and carried.

Clauses 77 to 145.

MR. PRESIDENT:—"As there are no amendments received for the clauses after clause 76, I propose to put all the clauses together to the House so that the work of the House may be expedited. I hope the House will have no objection to that course."

Clauses 77 to 145 were put and carried.

Schedules I and II were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. DR. T. S. S. RAJAN:—"Sir, I now move—
'that the Bill be passed into law.'

"In doing so, I have only to say a few words. This Bill has been under the consideration of the Government for nearly sixteen months. A number of departments concerned have all given us that hearty co-operation which alone could have made it possible for a Bill of this kind to be put on the statute-book to-day. It is generally the rule, when such heavy bills as this are undertaken, to have a special staff and a special secretariat attached to the Minister concerned, to do the work. But in this instance, that procedure was not adopted; with the existing staff that has been at our disposal, it has been possible for us to work up, dress the Bill and present it before the House. But for the large amount of interest and co-operation and detailed application to the various clauses contained in this Bill and the amount of critical knowledge that has been brought to bear upon it, both legal and administrative, it would not have been possible to have this Bill on the statute-book so early. In the Lower House also we had very good co-operation from Members from all sides. Although as many as 285 amendments were tabled there, it was possible within the course of three days to discuss all the amendments and carry the Bill through in that House.

"In this connexion, I think I should not mention the names of all those who have worked with me and the Secretaries that have worked with me; but I cannot omit to mention the very strenuous labours of my Under Secretary and also the Assistant Secretary of the Legal Department. They have sat days and nights working at this Bill and they have always come up with the drafting in time, to enable me to pilot this Bill through. In this House it has been my good fortune to receive more or less, if I may say so, unanimous appreciation of the various provisions contained in this Bill; and I am very grateful to all Members of the House

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who have given me this helpful co-operation in putting this legislation on the statute-book. What I would request members is this: they should not think that they have discharged their duty by voting for it; they should go back to the country, carry with them the message contained in this Act and convey it to our people, each in his own way. And I, for one, assure them of all the support and sympathy which this administration can give in furtherance of the task which I am now asking them to undertake. Sir, I am very grateful to the members of this House, to the Press and to the public and to all those that have unhesitatingly co-operated with me and with this Government to put this most useful measure—the first of its kind in India—on the statute-book." (Cheers.)

* MR. J. A. SALDANHA:—"Mr. President, there fell from the Hon. Minister some remarks a few minutes ago, in which the Hon. Minister made a distinction between the duties of the Government under the Health Act and the work of charitable institutions. I think a very serious step has been taken by the Government in announcing—in answer to a question put by me—that in future only treatable cases of leprosy will be given grant-in-aid if undertaken by private hospitals and that others will not be given any aid. The result of it would be—I know from enquiries that I have made in Mangalore at any rate—that about 50 per cent of the lepers that are now undergoing treatment in the various hospitals will be sent out and literally thrown on the public streets. I consider such a result as not at all supported by any principle of administration. As a matter of fact, all work of government is charity in one sense—public health work is charity, running of schools is charity and hospitals also are charity institutions. Sir, Mangalore contains a large number of institutions maintained by private charity—at any rate more than half of them are run with the help of charity from Parsis in Bombay and other places. I cannot understand how the Government can draw a line in respect of their duty towards such institutions. What will be the result? In Tirumani, for instance, there are about 1,000 lepers; and according to what we have heard, about 500 lepers will be thrown out. We can easily fancy the result on the public of Madras. We have already got enough lepers in public streets who are trying our patience to the utmost. If 50 per cent of the lepers now undergoing treatment are to be thrown out on the streets of Madras, there will be real danger to the public. In Mangalore, as I said, we already see a good number of lepers squatting and sleeping in all public places, porticoes and balconies of churches. Some of them are now in the asylum which is being aided by the Government—I am told there are 110 of them there; and if 50 per cent are to be turned out, the position will be very serious. I am sorry that the Government have not realized that. Hospitals are always charitable institutions by whomsoever they are run. This is a very important point requiring even the moving of an adjournment

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motion, but I do not want to do that. I say that in spite of the high praises that have been lavished on the Government in connexion with this Bill, this Bill will be a dead letter, worse than a dead letter, if the Government are callous and are not coming to the rescue of these leper hospitals. The Government may be spending something like Rs. 2½ crores on health and sanitation; but they must get more money in other ways and spend more money on lepers. If you have reduced your income on account of the prohibition of liquor, you must try to get more money in other ways and give it back to us and help us in carrying out such charitable ideas as the treatment of lepers. I hope the Government will reconsider their position, and I appeal to them to spend more money on charities like hospitals. While supporting the Bill, I would strongly appeal to the Government to come to the aid of the poor people."

1-30
p.m.

SRI B. NARAYANASWAMI NAYUDU:—"Just one word, Sir. The Hon. the Minister was saying that the Health Officers are paid by the Government and therefore there is no reason for complaint at all, but it is stated in sub-clause (2) of clause 9 that 'the Government may recover from each such local authority the whole or such proportion of the salary and allowances paid to the Health Officer.' So, Sir, the question of the Government paying is absolutely wrong."

* SRI R. SRINIVASA AYYANGAR:—"Sir, I rise to give my support to the motion before the House. I would like, at the very outset, to congratulate the Hon. the Minister for Public Health for not only sponsoring the Bill but also for having piloted it through so ably and so successfully. The Bill contains the largest number of clauses, I think 146 in all. The Bill has been very carefully conceived and carefully drafted with a view to avoid all possible criticism. Criticisms we have no doubt heard on the floor of this House, but those criticisms have been fully and satisfactorily answered, with the result that when some of the amendments of which notice had been given were called in, those gentlemen who had given notice of those amendments thought it prudent not to move them at all. On the whole, this is a measure which is calculated to better the health of the people. We care more for health than for wealth: health first, wealth next. I have not the slightest doubt that people will begin to appreciate and benefit themselves by the provisions contained in this Bill in the very near future and the name of the Hon. Minister for Public Health will go down to posterity as a great public benefactor. I have no doubt that he will have the satisfaction that the Bill on the whole has the general support of the country."

The motion was put and carried and the Bill was passed into law.

The House then adjourned for lunch to meet again at 3 p.m.

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(After Lunch—3 p.m.)

III.—MOTION.

THE REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE.

* THE HON. SRI T. PRAKASAM:—"Mr. President, I beg to move—

'that the Report of the Madras Estates Land Act Committee be taken into consideration.'

"After the report was presented to the House, more than two months' time has been given to hon. Members so that all might have time to go through the Report and be ready to discuss it. The Report was considered in the Assembly for seven days and it has now come up before this House. I take it that hon. Members of this House have studied the Report and have also followed the discussion in the Legislative Assembly. I wish to refer to the recommendations of the Committee as briefly as possible.

"There were nine members including the Chairman on this Committee. The majority, namely, five, have made their recommendations. The Raja Sahib of Mirzapuram directly representing the landholders has recorded his minute of dissent. His minute of dissent deals straight with each of the questions referred to the Committee for consideration and report. He has repudiated each point, one by one. There are three others who though they have appended what they have called minutes of dissent, have agreed with the majority on many points as they themselves have stated and they have narrowed down their contention by stating on what matters they differ. My hon. Friend, Mr. Rangaswami Ayyangar agrees with the majority on all the points including the question of rent but he took a different view with regard to the final recommendation; after agreeing even on the question of the correctness of the finding with regard to rents, he has made alternative proposals with regard to that and has given special reasons. My hon. Friend, Mr. Narayanaswami Nayudu, though he agreed with the findings of the majority on most of the points, has made his position clear with regard to the question on which he did not agree. Then there is the hon. Mr. Mahoob Ali Baig who also generally agreed with most of the points and has given some reasons where he differed from the findings of the Committee. I have stated this with a view to show that out of four members who did not agree with the majority, only one member, i.e., the Raja of Mirzapuram, recorded his minute of dissent on each one of the points directly repudiating the findings of the majority.

"The first question related to the ownership of the soil, whether it vested in the landholder or in the ryot. The second question—it was an important question—relates to the irrigation sources,

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their ownership and the rights involved therein. The third important matter relates to the forests, communal lands and porambokes. The fourth and the most important is the question relating to fair and equitable rents. What is a fair and equitable rent? Is it the rent that is prevailing to-day as is contended by the landholders, relying upon certain sections of the Estates Land Act which laid down certain rules of presumptions; or is it the rent that was fixed, permanently and unalterably, as I shall explain to the House presently, in 1802 at the time of the Permanent Settlement?

3-15
P.M.

“Those who may not have been acquainted with the whole history between 1802 and to-day may have thought at first that the proposal to go back to 1802 is all imaginary and not based on facts. There is no question of law involved in this matter. It is a pure and simple question of fact; a fact which, when once looked into dispassionately and without prejudice, must be admitted by all. What happened at the time of the Permanent Settlement, and why is it contended now, after 138 years that the rates of rent that were fixed in 1802 should be taken as fair and equitable and that only these rates should be collected by the landholder from the ryots hereafter and that these should have been taken without the least alteration during the past so many years?

“I put the case before the hon. Members of this House, Sir, by stating that at the time of the Permanent Settlement, the arrangement was made that the land revenue that should be paid to the Government should be first fixed, viz., a share or proportion of the gross produce or net produce should be set apart as land revenue payable by the ryots to the Government. After ascertaining the share of produce that should be set apart as land revenue due to the Government, it had to be settled as to who should collect that revenue for the Government, that is, whether the amount should be collected by the Government themselves, as in the case of ryotwari areas, or it should be collected through certain agents. Then, after the agency question is settled, what should be the terms of agreement between the agents who should collect the land revenue and the Government? In the northern districts half the gross produce was set apart towards the land revenue payable to the Government; in the southern districts it was not invariably gross produce; generally it was on the basis of net produce. In either case, as soon as the gross produce or the net produce payable as land revenue was fixed, it was arranged that two-thirds of the land revenue fixed permanently and unalterably should be paid to the Government as peshkash and one-third should be taken by the landholder as consideration for doing the collection work. If the material on which these conclusions of the Permanent Settlement are based are convincing, it is for the hon. Members of the House to decide here and now whether they

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should be accepted as binding or they should be rejected. I agree, Sir, that if it is true that the permanent arrangement made at the time of the Permanent Settlement was to the effect that the land revenue was fixed permanently and unalterably first, and that from out of such land revenue two-thirds was agreed to be paid as peshkash to the Government by the landholder, and one-third was agreed to be taken by him as consideration for doing the collection work, it is easy to understand the position. If there is anything wrong in that, of course, various contentions might be raised.

“I do not wish to take hon. Members of the House straight to 1802 and begin to establish my position by quoting evidence from the bottom. I would like to point out to hon. Members of the House that what is stated by me just now as the arrangement or the understanding or the agreement at the time of the Permanent Settlement, continued to be recognized as the correct basis up-to-date and at every stage of legislation that was undertaken in the past, attempted or dropped. Then the matter will become very simple. I say, Sir, that the permanent and unalterable character of the land revenue and of the portion set apart for the landholders' consideration has been maintained even under the Estates Land Act, if not wholly by embodying those very sections, i.e., sections 7 and 9 of the Patta Regulation *en bloc*, partially at least by having adopted them in certain sections of the Estates Land Act. It was the Hon. Mr. Forbes that introduced the Estates Land Bill of 1908. His speech, I take it, is in the hands of every member of this House. He has stated in that speech and he has made the position clear in more than one place by stating what the arrangement at the time of the Permanent Settlement was. He has said in so many words that at the time of the Permanent Settlement, the share of the Government for revenue was first fixed, and out of that, two-thirds was fixed as the permanent and unalterable sum for peshkash payable to the Government, and one-third as the remuneration for the landholder. He quoted Regulation XXX of 1802 known as the Patta Regulation. He referred to sections 7 and 9 of the Patta Regulation and discussed those provisions with a view to point out that the land revenue was fixed permanently and unalterably, that two-thirds of the land revenue was permanently and unalterably fixed as peshkash and the other one-third portion was given to the landholder as remuneration, and that the peshkash continued to be permanent and unalterable from that date until now and that the balance that was allowed to landholders from out of the permanent and unalterable figure of the land revenue should have remained unalterable. There is no complication in this; there is no question of law in this; nobody need be confused about this, and no one need be startled about this. When once it was settled permanently in 1802, when

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once land revenue was fixed irrevocably in 1802, when once two-thirds of that amount was fixed as peshkash payable to the Government; when once that two-thirds had been paid from that date until to-day, without adding a single copper to it, what justification can there be for enhancing the other one-third that was given as allowance for doing collection work in any year or any period? This is a simple question, a question of commonsense and nothing else. The only thing that the Committee has done is to look into all those records, find out where these things are, remove the earth under which they were covered, as it were, and place them before the Legislature that appointed it to do this duty.

3-30
p.m.

“Strangely enough, everything is denied by the landholders. The Permanent Settlement arrangement is denied; the fact that the land revenue was fixed permanently and from out of that amount two-thirds were paid to the Government as an unalterable amount as peshkash and the other one-third was allowed to the landholder, is not admitted by the landholders even to-day. It was not admitted by those who represented their predecessors or themselves at the time of the Estates Land Act; it was not admitted at the time of the Rent Recovery Act; it was not admitted at the time of the Tenancy Bill of 1885; it was not admitted at the time of Tenancy Bill of 1898 and it is not admitted to-day. I shall try to place before the hon. Members of this House what the Hon. Mr. Crole who was the Revenue Member in 1898 said on this matter—Mr. Crole’s speech also is in the hands of the hon. Members of this House—

‘What the Government did in 1802 was this. It was quite properly assumed that all interests in land were confined to two parties, namely, the Sovereign power and the cultivator. It then proceeded to make a contract with a third party called a zamindar. Under that contract, the zamindar took the place of the Government in respect of collection of revenue which was calculated on the average of the receipts obtained during the management of the Company’s officers, or under their supervision, extending over a series of years. Out of these receipts, roughly, two-thirds were to be paid to Government as peshkash which was unalterably fixed for all time and the remaining third was to be retained by the zamindar. In other words, if 50 per cent of the gross produce was set aside for the ryot, out of the balance, 35 parts went to Government and 15 to the zamindar. The shadowy, undefined claim of State ‘proprietaryship’ of the soil was likewise transferred to him. But the ryot remained quite unaffected by the terms of this contract. It could not of its own operation affect the rights of existing cultivators any usage or custom tending to protect those of future cultivators or any power of the legislature to interfere from time to time for the protection of those rights. The ownership of the soil was not transferred under the contract, for, Government could not pass on to the zamindar what it did not itself possess.’ (Interruption.)

“I have finished Forbes, Sir, I did not read the passage. I requested the attention of hon. Members to the speech. I stated orally what the Hon. Mr. Forbes said at the time of the Estates Land Act in 1908. I am taking hon. Members of the House to 1898, that is ten years before the Estates Land Act and I am quoting the words of the Hon. Mr. Crole. Various documents have

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been printed in the Appendices to show to the hon. Members of the House the process adopted for arriving at these figures. The Special Commission Reports for the North, South as well as the West, have all been printed to show the basis of calculation, how the figures were arrived at and how when certain methods adopted by the Special Officers who were put in charge of preparing the material for the Permanent Settlement made them commit mistakes, they were corrected, and they were revised; all these things are shown in some of the Special Commission Reports. I have started with 1908, gone back to the 1898 Bill and now I am going further back to 1865, to the Rent Recovery Act. I am submitting, Sir, that in clause 10 of the Rent Recovery Bill of 1863, sections 7 and 9 of the Patta Regulation were bodily introduced. Section 7 of the Patta Regulation is to the effect that there should be no enhancement, no addition to the taxes that ought to be collected from the ryots under any pretext or for whatsoever reason. Having so laid down in section 7, in section 9 it was laid down, ‘In spite of our making everything permanent and unalterable, in this human world so long as courts are established, parties may be coming to courts with some plea or other against these unfortunate men and these ryots may be dragged into courts. If they should be drawn into courts and a dispute relates to the rents or the rates that they have to pay, we simply direct the presiding officer to go back to the year 1801 and adopt the rate that was fixed then as the rate that should be adopted as permanent and unalterable.’ That was the direction in section 9 of the Patta Regulation. These two sections were introduced bodily in clause 10 of the Rent Bill of 1863. For that Bill to become law finally, it took two years. There was a Select Committee appointed. First there was a proposal to introduce a Revenue Code copying bodily the Bengal Rules. But, that was not accepted. Finally taking a few portions of that proposed Code, this Rent Bill was introduced. In that Rent Bill, as I stated, to make the position of the ryot clear, these two sections 7 and 9 were introduced bodily. The matter went up to the Select Committee. The Select Committee stated in their report that they accepted the findings of the Board of Revenue of Madras made in their Proceedings No. 7743 of 1864. The Board dealt with the Patta Regulation. They held that the rent or the revenue paid by the ryot was fixed permanently and unalterably in 1802; that the landholder was not entitled to enhance the rent; that if he should be given the right to enhance the rent and hand over the land to another man, who offers a higher rate, it would be allowing that man to rob the ryot and pay a portion of the plunder to the landholder. That was the language used by the Board in their Proceedings No. 7743 of 1864. This was accepted by the Select Committee and they said, ‘These findings are correct and the rent should not be enhanced and it should remain unalterable.’ Then when they came to the passing of the Act they said in their report also ‘While

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we accept these findings we shall have to amplify the provisions for certain reasons. Section 11 of the Rent Recovery Act thus came into being. That section 11 did not embody sections 7 and 9 of the Patta Regulation as clause 10 of the Bill did, but they put in a different form making a provision for enhancement as in clause 4 and in certain provisos.

"This section 11 of the Rent Recovery Act started the trouble for the ryots. What was this Rent Recovery Act? Was it an Act which was intended to create any rights in favour of the landholders or in favour of the ryots? No. It is not so. It was a processual law. The object of the Act was merely to prescribe a certain procedure to enable the landholders defined under section 1 of that Act to collect the moneys due to them. That was not an Act which was intended to deal with the relations between the landholders and their ryots alone. That was an Act in which under section 1, landholders were divided into two classes. The first class, consisted of the zamindars, shrotriyamdars, inamdars, etc., and other proprietors. Very many of the hon. Members may not have noticed—even those who have had occasion to apply these sections in the early days of their practice may not have noticed—that the Rent Recovery Act made provision for the recovery of moneys due to Government ryots from their tenants also. The Government ryot of the ryotwari area was included as landholder under the second classification in section 1 of the Rent Recovery Act. The Government ryot is a free-holder. That is known to everyone. The Government ryot lets his land to anybody, enters into an arrangement with him under a lease or an agreement and he is free to enhance rents, to decrease rents and to do whatever he likes. That was the position of the second class of landholders provided for in the Rent Recovery Act. They had to make a provision to enable that landholder, the Government ryot to increase rent or to reduce the rent or to enter into any arrangement he liked with his tenant. That Government ryot is clubbed with this landholder, the zamindar.

3-45
p.m.

"Section 11 of the Rent Recovery Act had to provide the procedure for both classes of landholders. Therefore they introduced certain clauses there with regard to recovery of moneys. The first clause related to contracts. The contract could apply only to the ryotwari land on which rent could be enhanced. That contract cannot be said to apply to the zamindar whose terms were settled at the time of the Permanent Settlement premanently and unalterably. If the contract could be taken to apply to the landholders of the first class also it is only with reference to the Permanent Settlement contract and could not have been anything else. The second clause relates to the survey rates of 1859 and the third clause deals with the local usage and custom. All these things you will find in section 9 of the Patta Regulation also. If the original

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rates were not fixed, what should be fixed is referred to in the Patta Regulation. If the parties are not satisfied with these rates they will have to go back to the established waram rate of 1801. That was the scheme of section 11 of the Rent Recovery Act.

"The evil days of the ryot started when the courts began to interpret this section 11. What did the courts do? In the beginning there was no trouble at all. Before the High Court was established on this beach and the judges came from London to preside over this court and decide cases under the Rent Recovery Act, there were judges of the Adalat Court. The Adalat Court judges were men who had lived in this country, who had studied the land revenue questions and who had understood the common law of the country. They were the men who took part in the framing of the Regulations that presided over those courts. So there was no difficulty at all with regard to solving this problem whenever a question of dispute came between the landholder and the ryot so long as the Sadar Adalat Court was in charge of this. I may tell the hon. Members of this House about one small case that came up for trial before the Sadar Adalat Court ten years after the Permanent Settlement Regulations were passed. That was a case filed by the firewood merchants of Masulipatam who were obstructed from getting timber from the forests. The question came before the Sadar Adalat Court and they decided it by saying: 'Were these people entitled or not before the permanent regulations were passed to take timber from the forests? If they were entitled to do it then, they are entitled to do it now.' That goes to prove the title also to some extent. It was this case that was referred to in the Board's Proceedings No. 7743 which I referred to just now. I am submitting, Sir, now that the rights that were settled permanently and unalterably, the rents that were settled in 1802, remain unaltered, generally speaking, until 1865 when alone this Patta Regulation was repealed. The sections 7 and 9 of the Patta Regulation were on the statute-book and remained as the law until 1865. Not only did they remain as law till 1865 but they remained as law until even 1885 when another Tenancy Bill was put up and dropped subsequently. Therefore, it is not correct to suppose that I am putting the case generally when these rents were being enhanced by the landholders from 1802 until now and that they have been enjoying the fruits of the enhanced rents until now. Mr. Crole has referred in his speech to this fact. Referring to the Collector's report he said: 'The rates of the Permanent Settlement have remained and are on record until now.' You will find again, Sir, in 1885 when an attempt was made in the Bill to introduce for the first time some of the rules of the Bengal Tenancy Act with a view to enhance this rent then the Board of Revenue pointed out: 'Why should this attempt be made now to introduce that Bengal rule into our Presidency; here the matters have been different. We have been

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getting on smoothly until now and there has not been any serious or general attempt to enhance the rent here after they were permanently fixed in 1802. I am sorry I am not able to place this in a printed form in the hands of the hon. Members but they will permit me to read, Sir, from the stock file relating to the Bill of 1885:—

Besides the above opinions, attention is drawn to those recorded in Board's Proceedings, dated 1st September 1884, No. 3050, on Mr. Carmichael's Bill. The general opinion was that any legislation which had more for its object than the amendment of Act VIII of 1865, where necessary, would be probably mischievous; and among those papers, the opinion of Mr. H. J. Stokes is particularly worth recalling at the present time. He said then: "The objects of a tenancy Bill ought to be to ensure the payment of a fair rent on the one hand and security of tenure on the other. If these objects are not attained, there certainly results disorder. In this Presidency, in all the settled estates with which I am acquainted, we have a customary rent, and all that is wanted is to ascertain and record it. Hitherto, no general attempt has been made by zamindars to exceed it and things may be said to have gone on very smoothly in Madras, when we compare the record of our estates with the constantly recurring troubles which have been experienced in Bengal. There the landlord was armed with power to evict and enhance and the cultivator was forgotten. It is to correct the results of this long neglect that a vigorous effort is now being made. But seeing that our circumstances have been so different, it is most improbable that an enactment framed specially to meet those of Bengal should be copied in our Presidency without great danger."

"From this it is clear that the rents of 1802 have prevailed until 1885 as well and how when an attempt was made to introduce the clause to enhance the rents from the Bengal Code in the proposed Bill, the Board of Revenue protested against the whole thing. In that Bill, Sir, an attempt was made to introduce a clause of the Bengal Code to the effect that for acquiring occupancy right, there must be possession for twelve years. Referring to that clause, this Board in another place in continuation of the same, said: 'That clause should not be introduced here, because here the question of occupancy right or the right of the ryot is in no way disputed. Why should we introduce it from the Bengal Code to the effect that if a man is in possession for twelve years, he would acquire the right? Thereby you are interfering with the existing right of the ryot. Why should you say that a man should be in possession for twelve years to establish his right? The right has already been accepted here and it is a matter of declaration. So why should we introduce it here?' When this protest was entered into on this and other matters that attempted legislation of 1885 was dropped. You will find that what was dropped in 1885 Bill appears in the Estates Land Act I of 1908, which is said to be a document that should not be interfered with. How is it that it appears now in the Estates Land Act I of 1908? It has appeared under the name of 'old waste.' That expression 'old waste' created such a confusion in the minds of practising lawyers, that even well-versed practitioners here in the City found it difficult. (Sri T. C. Srinivasa Ayyangar: 'It was dropped.') The hon.

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Member tells me that it has been dropped. I am aware of it. We have also written in our report that it has been dropped. We have also pointed out that the old waste mistake was there for thirty years. We have also pointed out that other sections introduced should also have been dropped, but were not dropped, because those who were responsible were not there in 1936. That is how the whole mischief has been caused. That is why the Committee has recommended the repeal of that Act altogether. It is not an Act that could be amended by any small amendments, because it is in these sections that they have tampered with the rights of the ryots in a manner that cannot be discovered, which I shall be referring to shortly.

"Although the definition of 'old waste' was objected to in the Bill of 1885 it found a place in the Act of 1908. It was sought to be brought in the Act of 1895, but it was dropped. But in the Act of 1908 somehow it was introduced. The 1905 Bill was introduced, not by Mr. Crole, but Mr. Ross and seconded by another European gentleman, and later on, the Bill was piloted by the Hon. Mr. Forbes. Now what are the provisions contained in the Bill of 1898 which hon. Members should remember? These are rather important provisions of that Bill—not that I have adopted the provisions of that Bill *en bloc*. But we have modified the provisions wherever we did not agree and introduced only such of those provisions with which we agree in the draft Bill that we are presenting to-day. What did that Bill say with regard to fair and equitable rent? Section 17 of that Bill which is printed in the Appendices Volume clearly lays down that enhancements may be made with regard to one class of lands. Lands upon which rents had been fixed were exempted in the Bill as introduced in 1895. Section 17 of that Bill which will be found on page 615 of the Appendices Volume says:

"Where an occupancy ryot holds at a money-rent not fixed in perpetuity, the proprietor may, subject to the provisions of this Act, institute a suit before the Collector to enhance the rent on one or more of the following grounds, namely:—

- (a) that there has been rise in the average local prices of staple food-crops in the taluk or zamindari division since the existing rent was fixed;
- (b) that the productive powers of the land held by the ryot have been increased by an improvement effected by, or at the expense of, the proprietor since the existing rent was fixed;
- (c) that the productive powers of the land held by the ryot have been increased, since the existing rent was fixed, by any work of irrigation or other improvement executed at the expense of Government, and the proprietor has been required to pay an additional revenue or rate to Government in consequence thereof;
- (d) that the productive powers of the land held by the ryot have been increased by fluvial action."

"These four clauses, it was declared in the Bill as introduced then, should apply only to lands on which rents were not fixed in

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perpetuity. The contention on behalf of the ryots is that the rents had been fixed in perpetuity and they have become unalterable and no enhancement of any kind should be introduced due to the improvements made by the landholder or by the Government. When a thing is said to be fixed unalterably, can it be taken that other conditions or circumstances would make it alterable? It is a matter of commonsense there also. In the Bill of 1895, also these provisions appeared in the Bill, as introduced, but when it went to the Select Committee they revised the whole thing. In revising it they omitted all these four clauses as put in here. They kept only two clauses. With regard to one clause, in section 16 of the revised Bill, section 9 of the Patta Regulation, was bodily introduced again. I am trying to convince those hon. Members who have not understood the implications of an attempt to introduce these provisions at every turn. What was fixed at the time of the Permanent Settlement was considered unalterable up to 1865. As I have pointed out these rates were prevailing even after 1865. When they came to legislate in 1905, in the Bill as introduced, those lands for which rents were fixed in perpetuity were exempted, because in other cases it is a matter between parties to enter into an agreement either to increase or decrease as it is being done in the whole universe. In the Bill of 1895 as amended by the Select Committee you will find clause 16 (i) reads as follows (page 666 of the Appendices Volume):—

‘In the disposal of suits involving disputes regarding rates of land revenue payable by ryots the following rules shall be observed:—

- (i) In estates which have been surveyed by the British Government previous to 1st January 1859, and in which a money assessment has been fixed on the fields, such assessment is to be considered the proper land revenue payable.’

Sir, that clause would not make any material difference if we see that the rights of the zamindar remain the same as they were in sections 9 and 7 of the Patta Regulation which were enforced until 1865, but were afterwards repealed. Even after 1865 those provisions were not altered. That is with reference to one clause.

‘The next clause which I would like to refer is a very important one and it runs thus:—

- (ii) (a) The Collector shall adopt the rates of assessment in money, or of division in kind, prevailing in the cultivated lands in the year preceding the assessment of the permanent peshkash.’

‘Section 9 of the Patta Regulation is introduced in this clause. When it is put in there in the revised Bill of 1898, who can argue that it has disappeared, this Committee is putting it for the first time and this measure is extraordinary and expropriatory? I pointed out that so far as the Rent Act of 1865 was concerned, it was only a processual legislation which did not create rights or take away the rights. I am supported by the Hon. Mr. Forbes with regard to this statement. That Act made

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no distinction between occupancy ryots and non-occupancy ryots. That Act made provisions for recovering the money. So it cannot be contended that the rights of the ryots had been taken away or any new rights had been created in the landholders. If that is so with regard to that piece of legislation, and if sections 9 and 7 were introduced in the Bill of 1863 and they appeared in a modified form in section 11 of the Act of 1865 and again they were reproduced in the Bill of 1898—Mr. Forbes said all these in 1908 when introducing his Bill—how can it be contended that these provisions have been introduced for the first time by the members of this Committee with a view to expropriate the rights of the landholders? Is there anything revolutionary? Is there any mistake in this? People could have argued in all seriousness some time before now that because the Chairman of the Committee is a Congress Minister he has brought forward an extraordinary proposal such as this. They could have also argued that the landholders could do whatever they liked and enhance the rent as they pleased. They could have used all these arguments before. But I was always certain that even the most prejudiced people and even those who might have thought so at one time would have been convinced with the material placed before them as to the justification of the present Government in introducing this Bill, when they are called upon to decide upon this plain and simple matter. I never had any trouble about it.

‘Now let us come to the Estates Land Act of 1908. What is the position? Was any right created in favour of the landholder or was any right taken away? I say ‘No.’ Some difficulty was created in that Act by introducing two irreconcilable elements within the definition of the ‘ryots.’ There in the Rent Act, two irreconcilable elements were introduced in the definition of the ‘landholder.’ Under the Estates Land Act, there was the ryot of the ‘old waste.’ ‘Old waste’ is a land that is now in the possession of the landholder. Without attempting to establish any right to it it was used by him for a period of ten or even more years. There were three classes of ‘old wastes’ at that time. All of them were entirely the property of the landholder and they were in the position of private lands of the landholder. They were his property and he could do anything he liked with them and enhance the rent if he liked with regard to those old wastes. But when the ryot had to be defined as ‘old waste holder’ and when occupancy right had to be given to him under the Estates Land Act of 1908, and when rules had to be framed for enhancement of rent by the landholder with regard to these lands also, as in the case of Act of 1865, they had to provide a provision reconciling the interests of the two, viz., the interests of the ryots and those of the landholder in that Act. That is how ‘old waste’ was included in the Act of 1908. When this mistake of including the ‘old waste’ was discovered at a later

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stage, some good members who were in the Legislature at that time thought that that provision relating to 'old waste' should not be there and they brought in a fresh Bill to remove 'old waste' from that Act altogether. When they removed 'old waste' from that Act, it was beneficial to the ryots and then the landholders clamoured that a provision should be made for enhancing the rent with reference to those 'old waste' lands.

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"Section 30 contains all the four clauses which I have just now read from the Bill of 1898 with regard to the enhancement of rents. All these clauses were intended to apply by the framers of the Act of 1898 only to those persons to whom they were applicable. Who were the persons to whom they applied? The holders of old waste. Section 30 says that the rent can be enhanced on account of a rise in prices, the improvements made by the landholders, the improvements made by Government and improvements which result on account of fluvial action. All these could be enforced with regard to the ryot of the old waste but not with regard to the land on which the rent was unalterably fixed. But what was unalterably fixed in 1802 is made alterable to-day by this piece of legislation. This 'old waste' was removed after having been there in the Act for a quarter of a century, but these sections 30 to 35 relating to enhancement of rent were allowed to remain on the statute book. What happens now is this: All the sections 30 to 35 which relate to the enhancement of rent and sections 40 and 41 dealing with commutation of rent and certain other presumptions under the Act will now apply to the occupancy ryots also. I am submitting that the Estates Land Act has been so misleading and has created troubles which were never dreamt of even at the time of Chokkalingam Pillai's case and Fakir Muhammad's case in 1860. Even under this Estates Land Act, I have shown that there are provisions which show that the Act did not intend to touch rents which were fixed permanently in 1802. Clause (1) of section 30 deals with the enhancement of rents on account of a rise in price. Hon. Members should not be carried away by the idea, 'Should not the landholder have the right to claim enhancement of rents when the ryot benefits on account of a rise in prices?' Certainly not. If the ryot's rent had been fixed unalterably it is for him to get the benefit of a rise in prices. I want to call the attention of hon. Members to the proviso (a) to section 30 which says that enhancement of rent on account of rise in prices shall not apply to lands on which the rents had been fixed unalterably and permanently in 1802. After the Estates Land Act was passed in 1908, big landholders filed suits against the ryots in courts and obtained decrees against them for enhancing the rents at a rate not exceeding 2 annas in the rupee. How could they have done that when there was a proviso to the effect that this right to enhance rent on account of a rise in prices shall not apply to lands

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on which the rent had been fixed unalterably and permanently? I am submitting that even under the Estates Land Act, however misleading and misdirecting its provisions may be, the framers of the Act were not altogether unconscious of the rights of the ryots and to the extent to which they have provided this proviso to clause (i) of section 30, they have sought to safeguard them.

"With regard to the other contention as to why the landholder should not claim enhancement of rent on the ground of improvements made by him I shall submit straightaway that he is not entitled to any such thing. It might look strange if it is contended that he is not entitled to any such enhancement. It might be asked, when the Government had made improvements at a considerable cost and when the ryot is reaping the benefits of the improvements, why should not the landholder who is the representative, even according to the authors of the report, of the Government for the purpose of collecting the revenue be entitled to enhance the rent? I submit, Sir, that neither the Government nor the landholder is entitled to enhance the rent on either of those two grounds, namely, on the ground of improvements made by the Government or on the ground of improvements made by the landholder. It was the duty of the Government in the first place to make improvements either by way of repairing the old existing irrigation sources or by even constructing new ones. What for does the Government take half the gross or half the net produce from the poor ryot? The Government state definitely that they want this money in order to carry on the administration and give the necessary protection to the people and to improve the works of public utility in the interests of the people. For these two reasons the Government take a share of the ryot's produce. No Government has ever repudiated these two liabilities and they hang on the Government even with regard to the ryotwari areas. When the right to collect revenue was transferred to the landholder, the liability attached to that right was also transferred to him. Therefore, on either of those two grounds, it can never be said that the landholder is entitled to claim enhancement of rents.

"Then what remains? The last clause relating to fluvial action. Sir, a river is in floods and the neighbouring lands improve and they yield more. There comes the landholder. He pounces upon the ryot and asks for a portion of the increase. But why on earth should he give a portion? It is the ryot's land and his labour and God gives him something more by fluvial action. The landholder is surely not entitled to claim an enhancement of rent. Was there such a provision in the Permanent Settlement Regulation, in the Patta Regulation or in the Rent Recovery Act? Was there any such rule anywhere hitherto? It was introduced for the first time in the Rent Bill of 1898 and that Bill was dropped. In that Bill they expressly stated that this clause would not apply to

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lands upon which the rents were fixed in perpetuity. So this 'fluvial action' and all these four clauses were bodily included in section 30 of the Estates Land Act. I have pointed out that the proviso to clause (1) ought to have been tacked on at the end of the fourth clause stating that none of these rights to claim enhancement of rents would apply to cases in which at the time of the Permanent Settlement the rents were fixed unalterably and permanently. Instead of doing so, they did it only partially.

"I shall take hon. Members to another important chapter where the matter clinches itself that it was not the intention even under the Estates Land Act to interfere with rights which have been permanently fixed at the time of the Permanent Settlement. There is a chapter on the Record of Rights and Settlements. The word 'settlement' means settling rents after getting it surveyed and getting all the things done. What was settled at the time of the Permanent Settlement, was not intended to be unsettled under the Estates Land Act. Was it intended to have another settlement here and enhance the rents? Certainly not. That chapter is a very long one and there are many words which create confusion. But when they were referring to the settling of rents by the officers they were looking only to those lands which would be surveyed and with regard to which rents could be settled, even allowing for enhancement of rents on the ground of rise in prices and improvements made by the landholder and so on. The Collector was entitled to go into all these things only with regard to 'old waste' ryots and not with regard to lands for which rents had been permanently fixed.

"Section 165 of the Estates Land Act which deals with the settlement of rents runs as follows:—

'165. When an order is made under the last foregoing section, the particulars to be recorded shall be specified in the order and shall include, either without or in addition to other particulars, some or all of the following, namely:—

- (a) the name of each ryot's landholder and of each landholder in the estate or portion thereof;
- (b) the name of the ryot or where there is no ryot the name of the occupant;
- (c) the situation extent and one or more of the boundaries of the land held by the ryot, as shown in the survey map of the village;
- (d) whether the land is irrigated, unirrigated, or garden land and, if irrigated, whether double or single crop;
- (e) the rent lawfully payable at the time the record is being prepared and whether the ryot is entitled to the benefit of proviso (a) to clause (i) of section 30.'

All these things have to be done in cases in which the ryot has to pay enhanced rents. But please note clause (e).

"I have already submitted that section 30 deals with the right to enhance rent on the ground of a rise in prices. I have already

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submitted that the proviso (a) says that the section does not apply to lands for which the rents had been permanently fixed. I will read that portion of section 30 in this connexion. Section 30 runs as follows:—

'30. Where for any land in his holding a ryot pays a money rent, the landholder may apply to the Collector to enhance the rent on one or more of the following grounds and no others.'

I want the House to remember the words, 'no others' because it is important with regard to the question of commutation of rent. The section continues:

'(1) that during the currency of the existing rent there has been a rise in the average local prices of staple food crops in the taluk or zamindari division:—

(a) PROVIDED that if the rent be permanently payable at a fixed rate or rates, it shall not be liable to be enhanced under this clause on the ground of a rise in prices.'

That is the protection given to the ryot with regard to permanently settled rates. Section 165, sub-section (e) in the settlement chapter also refers to 'the rent lawfully payable at the time the record is being prepared and whether the ryot is entitled to the benefit of proviso (a) to clause (i) of section 30.'

"If that is the land on which rent has been fixed permanently, certainly even the Settlement Officer cannot touch it. It is not open to any hon. Member here or to anybody outside to contend that this rate had been abandoned, that the Government had been recognizing the increase of rate, that the Legislature has been recognizing this increase, that the landholders have been enjoying these rates without any demur from anybody until now and that vested rights are being divested now. People say that this is expropriation and the whole report is revolutionary. There is no expropriation here so far as the landholders are concerned. If there has been any expropriation, it has been the expropriation of the rights of the ryot from 1802 until now whenever the zamindars were successful in the attempts made by them. Section 30 of the Madras Estates Land Act says that enhancement of rate can be demanded only on four grounds. Section 41 of the Estates Land Act deals with commutation of rents. Was there any section relating to commutation of rents in any Act before the Estates Land Act? Is there any provision relating to commutation in the Act of 1865? Is there any provision regarding commutation in the original Regulations of 1802? Why was it introduced in the Estates Land Act of 1908? What is meant by commutation? If anybody goes and asks for commutation, the officer must go into the whole matter, take into consideration the condition of irrigation sources, find out the yield and its price and then commute. This is what that section says. Is it not enhancement, if it is applied to lands the rents of which were fixed permanently? It

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is certainly enhancement. A note at the bottom of section 41 says that enhancement made on this ground need not be treated as enhancement. What is the meaning of saying that this enhancement should not be treated as enhancement, when this section was wrongly applied to lands for which rents had been permanently and unalterably settled? Should this provision be there? Leave this matter aside.

“ If it had been made clear that all these provisions applied to old waste lands and not to permanently settled lands, there would have been no trouble. But dubious language has been used here. Presumptions were raised; sections were put on the statute book. Section 28 of the Estates Land Act raised a presumption to the effect that, if there is a question about fair and equitable rent, the presumption is that the rate prevailing then was the proper rate. Is that the way in which the interests of the ryots should be protected, when the rents had been permanently and unalterably settled? It was the duty of the lawyers, it was the duty of the Judges who administered the laws, to have gone into the whole matter when the question came up before them and to settle the law by stating clearly that this presumption was never intended to be applied to these permanently settled lands. The question came up for consideration in connexion with the Kannivadi estate where rates were enhanced on the basis of contract entered into between the landholder and the ryots. The Estates Land Act expressly took away the provision relating to contract. It was sought to be introduced indiscreetly in the Rent Recovery Act of 1865; even then ‘contract’ was done away with. I would have to tell hon. Members a few words about this curious enhancement in the case of the Kannivadi estate. One officer, Mr. Hurdis, fixed the rate; it was considered very high; it was revised by another officer, Mr. Peters and fixed at a lower figure. Some time after the Estates Land Act was passed, there was what was called a *manoraji* rate, both parties entering into a contract; when arriving at that rate, the rents were enhanced. The ryots raised the question and stated that this *manoraji* rate did not bind them; they said, ‘our bodies might have been there, but our minds were never in the matter.’ The question came up before the High Court, and one Judge stated in all seriousness that the enhancement was perfect and valid. How can it be valid and how can it be relied upon? Section 28 of the Estates Land Act says that, if there is a dispute, the presumption is in favour of the prevailing rate. It was the duty of the learned Judge to have gone into the whole matter when it came up before him. Section 135 of the Estates Land Act is a copy of section 7 of the Patta Regulation; section 136 is practically a copy of the next section in the Patta Regulation with regard to the penalty that would be levied, if there

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should be a violation in that respect. There should be no enhancement. Those two sections are there; in spite of these provisions, the *manoraji* rate prevailed. The Committee have dealt with that case exhaustively in the second part of their report. Although section 30 laid down that enhancement can be only on four grounds and on no other ground, the enhanced rates were recognized on the presumption basis.

“ I have shown you clearly how there was enhancement of the rates when commutation took place. The question connected with commutation rates has a long history and the Committee has dealt with it in their report, and I do not wish to trouble the House by reading any portion of it. Commutation rates failed even in the ryotwari areas; commutation rates that were adopted at the time of the original settlement and subsequent settlements had failed and they have been cancelled by Majoribanks report. We are giving remission to the extent of Rs. 75 lakhs even in this year of distress, when the crops have partially failed. The argument that is advanced is that, although these rates might have been fixed at the time of the Permanent Settlement, it would be difficult to arrive at the correct figures now. I may say that we have gone into the bottom of this matter; we have got material in the western districts, southern districts and in other places, to ascertain the rates. We have suggested various methods for it. It is contended that we may modify some sections here and there in the Estates Land Act and not alter the principles of that Act. The provisions in that Act have practically destroyed the ryot. According to our findings, the Act should be materially altered. It was contended that it was only the peshkash that was permanently and unalterably settled at the time of the Permanent Settlement and not the balance. The balance is made their property; the zamindar says, ‘I can do what I like with it.’ That is the sort of contention that has been put forward. I may inform hon. Members in this connexion that there are printed accounts prepared by the officers who submitted the Special Commission reports. The basis of their calculations is also given in this Special Commission reports. The accounts show the gross produce also. There is a column in that account which says that two-thirds should be paid to the Government as peshkash; another column is there which shows that the balance of one-third should go to the landholder for his allowance. What more proof the hon. Members want? How can it be contended by the Landholders’ Association or by anybody that it was the peshkash that was settled permanently at that time and that the balance was given to the zamindar freely and that the zamindar can enhance the rent as he pleases? I will not be arguing on behalf of the Committee for one moment, if what the Landholders’ Association says is correct. The whole report will be withdrawn straightaway.

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p.m. “ Take, for instance, the Venkatagiri estate; the accounts were prepared by an officer called Stratton and they are printed in the report. The officer has taken the figures from the account books of the landholder himself. It is stated that so much should be paid as peshkash and that the balance should go to the landholder. The figures are taken from the books of the landholder himself; the Special Commission Settlement Officer did not get his figures from any other source. All this information is given in the Committee’s report; yet the zamindar is still contending in the year 1939 in the same manner as he did in the year 1865. It is stated that the Committee’s report is revolutionary; it is stated that so much sensation has been created by the findings of the Committee; the speech of the Hon. Mr. Crole is in the hands of hon. Members and the reply to that speech is also in the hands of hon. Members; the reply given by the Raja of Bobbili is printed at the end of Appendices. Item by item, that is printed there. What the Raja of Bobbili said is printed in the findings of this Committee. The Raja of Bobbili reproduced what the Hon. Mr. Crole stated about the right to the soil, about the rate of rent, etc.—about twenty or thirty points were culled out by him out of the speech of Mr. Crole—and began to give answers to those points.

“ Sir, in the other House it was even contended that Mr. Crole might have spoken, Mr. Forbes might have spoken, they might have been persons who were very favourably inclined towards the ryots, and so forth. I had to try to convince the hon. Members there by placing before them chapter and verse and show them that what was stated by them was absolutely correct. For that purpose, I had to show to them that Mr. Forbes and Mr. Crole did not draw from their imagination, and we have not drawn from our imagination either. When we relied upon Mr. Forbes and Mr. Crole, we did not rely upon their personal opinions. Both the gentlemen referred to the authorities on which they were relying. They went back to the year 1802; they went back to what was stated before and after the Permanent Settlement, and we traced them all and have placed all those materials before hon. Members of this House; we have tried to show on what material the Permanent Settlement was based, how it was interpreted subsequently, understood and enforced. All these things have been placed in one continuous string from that date up to date. There is therefore nothing very extraordinary which we have stated.

“ One other point which has been urged—and perhaps may be urged here also—is with regard to the way in which these figures have been arrived at. I did not wish to take up much of the time of the House, Sir, over this matter; but I thought it was a duty cast upon me to place the material facts before hon.

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Members, with a view to enable them to understand that there is nothing extravagant in the recommendations made in the report.

“ As regards ownership of the soil, I think, Sir, except the Raja Sahib of Mirzapuram, the other three members who have given their minutes of dissent have agreed on the point, that the ownership of the soil is in the ryot—all the three of them—Mr. Narayanaswami Nayudu, Mr. Rangaswami Ayyangar and Mr. Mahaboob Ali Baig. I do not say that the fact that they agreed should be a conclusive proof by itself; they have agreed because the material gathered by the Committee was such that no other conclusion was possible; they have agreed on the facts recorded. And when once the ownership of the soil is admitted as belonging to the ryot, what follows with regard to irrigation sources, and to all rights and liabilities involved? If the soil belongs to the ryot, everything else belongs to him; if the irrigation sources pass through his lands, they belong to him; and the landholder was only a collection agent and never acquired any right in the soil or in anything pertaining to the land. For instance, take mines in the lands belonging to the ryots; they belong to the ryots if ownership is with them. The title of the landholder is in the sanad, and the sanad is not a document that has created an absolute freehold right both to collect rent and to the soil of the land. The sanad clearly makes out that the landholder was appointed as an agent to collect rent and that the agency was also made subject to conditions imposed therein. What are the conditions imposed therein? A stipulation will be found in every one of the sanads issued to the landholders, and that stipulation relates to the ryots and their interests also. They are made to agree there that they will carry out all the conditions contemplated under Regulation XXV of 1802 and the Patta Regulation XXX of 1802. Again, what was it that was contemplated? It is vaguely asserted that the Permanent Settlement Regulation does not say anything with regard to the ryot, that it related only to landholders and to the peshkash; and that therefore it could not be said that the Permanent Settlement gave any rights to the ryots. Sir, hon. Members of this House do not require much time to understand the connexion between the seven Regulations which were passed on one and the same date, the 13th of July 1802, and particularly, the Permanent Settlement Regulation, the Patta Regulation and Regulation XXXI with regard to inams or exempted lands. These should all be read together, to understand the scope of the scheme underlying the Permanent Settlement Regulations. Section 14 of the Permanent Settlement Regulation brings in the question of ryots and says that ‘subject to the condition that you give them pattas defining the rent and fixing the extent, etc.’ So, fixity of rent and fixity of tenure are mentioned there in Section 14. The preamble to the Permanent Settlement Regulation and

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the preamble to the Patta Regulation will convince any one about the object of the Permanent Settlement Regulation and the method adopted for carrying out the Permanent Settlement. If I say a few words about the preambles of these Regulations, all the misgivings will disappear in one moment. The Permanent Settlement Regulation begins by saying: hitherto the rights, rent, peshkash, everything has been varying; the zamindar had no fixity of interest, or no interest either in the land or in anything else. He could not call anything his own. There is no hereditary right for him and the zamindar could be removed if he was misconducting with regard to collection of rent, etc. As regards the ryot, the zamindar was entitled to take any rent he pleased, without any fixity; and in the instructions to the Collectors and in the records in the State documents, it was stated expressly that the whole of the Permanent Settlement was intended primarily for the emancipation of the ryot and not for protecting the landholders with regard to payment of peshkash alone. So, in the preamble to the Patta Regulation it was stated that these variations, which had become intolerable, must be terminated, and so the fluctuations and variations existing till then were abolished. After abolishing them and making the slate clean, it was stated that in their place determined agreements should be substituted. What these determined agreements are, were referred to in section 14 and again they were made clear in the sanads that were issued. They stated expressly that such and such things should be carried out.

“ One other matter which I did not mention in the proper place is this: some of these estates were carved out of Crown lands and they were put in auction; and among the conditions of sale, there was a stipulation that those who wanted to purchase the estates agreed to the special condition that they would take only the rents fixed for fasli 1210, i.e., the year preceding the Permanent Settlement. We have printed all these things in our report. So, the same rate applied whether it was with regard to money rent, or dry land or punja or house or backyard, i.e., the rates prevailing in fasli 1210 or the year 1801. It is therefore most extraordinary that people who do not know these things should now raise an agitation that startling things are contained in the recommendations contained in the report under consideration. And of all things, the most extraordinary is the position taken up by Mr. Rangaswami Ayyangar, one of the members of our Committee. I would read to hon. Members what Mr. Rangaswami Ayyangar has written. I would request hon. Members' attention to paragraph 4 at page 335 of Part I of the report: He says there:

‘ Coming to the question of what is a fair and equitable rent, that is, revenue, we have seen that the zamindar who has got his peshkash fixed on the basis of the proportion and of the price level prevailing in 1802 cannot now complain if the same principle is now adopted in respect of

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the portion of the revenue to be retained by him. That is to say, the ryot is, in justice and equity, bound to pay not more than the share of the produce he was paying just before the Permanent Settlement computed at the then prevailing rates of prices, on a calculation of which the peshkash had been fixed. This is the recommendation of the majority of us.’

After that finding, if anything is written by the hon. Member, it will be only an alternative proposal. He has put everything in much stronger and clearer language than the other members of the Committee have done. He has illustrated it by saying ‘ that is to say, the ryot is, in justice and equity, bound to pay not more than the share of the produce he was paying just before the Permanent Settlement,’ so that there might be no misgiving in the minds of anybody.

“ I am proud of Mr. Rangaswami Ayyangar. I congratulate 5 p.m. him on the finding he has recorded. I have no complaint to make against him, because, being in the position in which the hon. Member was, he did not hesitate to record this finding. One in his position perhaps would have fought shy of it, when it was likely to affect his own interests, but he did not care for that. He recorded the finding in a much stronger language than the majority of the Committee have done. Then proceeds the alternative. I would like hon. Members to examine for a few minutes what this is: ‘ The mode of settling rents may be said to be correct from a purely theoretical point of view and the zamindars may not possibly raise the objection.’ The other point which the hon. Member has explained for the majority also is why so much particular care was taken to keep to this Permanent Settlement rates and why the majority did not wish to go beyond the Permanent Settlement rates. As a shrewd lawyer, the hon. Member was explaining why the majority was doing this. It might be a good point for avoiding troubles at the hands of Governors, Viceroys or Secretaries of State, because in the whole of this Provincial Autonomy Constitution, some clause was put in in the Instrument of Instructions to the effect that, if anybody should attempt to interfere with the Permanent Settlement arrangement, if any such attempt should be made by Provincial Autonomy—of course they would be entitled to do so—but if they should attempt to do that, we must protect the interests of the zamindars, they shall not do it without our consent, or without obtaining the consent of the Governor or the Secretary of State.’ That clause is there and Mr. Rangaswami Ayyangar has come to the rescue of the majority of the Committee's findings by giving the reason why this finding is given in this manner. Otherwise, is it right to say that we would not go with the Permanent Settlement arrangement, if as I pointed out either half gross or half net produce was given; and the zamindars have the right for half the gross or half the net? Right or wrong, we shall not touch it because they have stated that this must be done with their consent and if anything is to be done otherwise it will

[Sri T. Prakasam] [30th January 1939]

be subject to their supervision, otherwise they would veto it. So, we have stuck to it whatever it is. Let it be Permanent Settlement, and that is what the majority have recommended. It cannot be Permanent Settlement, while you have called it or made it permanent with regard to the landholder, but allowed it to be made alterable and temporary each time the enhancement was made. What is demanded in the majority recommendations is, Permanent Settlement must be truly and honestly permanent settlement and no portion of the amount settled permanently and unalterably should be made liable to variations. That is all what is demanded with regard to this.

"Then, the hon. Mr. Narayanaswami Nayudu has got some objection with regard to inams. He has given notice of an amendment to that effect and I shall refer to it after he moves the amendment."

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

30th January 1939]

APPENDIX I.

[Vide answer to starred question No. 146 asked by Sri B. Narayanaswami Nayudu at the meeting of the Legislative Council held on the 30th January 1939, page 184 supra.]

Statement showing forest areas in each revenue district under the control of the Forest department.

Serial number and revenue district.	Area of reserved forests in each revenue district (including panchayat forests under the control of the Forest department) on 31st March 1938.		Area of reserved lands under the control of the Forest department.	
	(1)	(2)	(3)	(4)
		SQ. MILES.	ACRES (approximately).	SQ. MILES.
				ACRES (approximately).
1 Vizagapatam	297	190,080	84	53,760
2 East Godavari	1,334	853,760	47	30,080
3 West Godavari	17	10,880	..	..
4 Kistna	72	46,080	..	..
5 Guntur	540	345,600	..	..
6 Nellore	337	215,680	..	..
7 Chingleput	80	51,200	..	..
8 Bellary	93	59,520	..	..
9 Anantapur	256	163,840	..	..
10 Kurnool	2,444	1,564,160	..	..
11 Cuddapah	1,609	1,029,760	1	640
12 North Arcot	902	577,280	..	..
13 Chittoor	504	322,560	..	..
14 Salem	1,401	896,640	22	14,080
15 South Arcot	41	26,240	..	..
16 Trichinopoly	136	87,040	..	..
17 Coimbatore	2,207	1,412,480	1	640
18 Madura	582	372,480	..	..
19 Tinnevely	335	214,400	..	..
20 Ramnad	72	46,080	..	..
21 Tanjore	36	23,040	1	640
22 South Kanara	807	516,480	..	..
23 Malabar	536	343,040	22	14,080
24 The Nilgiris	486	311,040	6	3,840
Total ..	15,124	9,679,360	184	117,760

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Statement showing the extent, etc., of panchayat forests.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
VIZAGAPATAM.					
Regupalem	1,596	2	..	..	1,438
Gokivada	1,297	2	..	..	
Kavalapalli	1,659	3	..	..	
Yenavaram	1,202	2	..	..	
Pedapalli	5,354	8	..	..	
Bayyavaram	3,686	6	..	..	940
Adukula	1,740	3	..	..	
Venkatapuram	4,356	7	..	..	
EAST GODAVARI.					
Anuru	824	1	..	..	1,576
Murari	382	1	..	..	
Kogida	1,115	2	736	1	
Jingumilli	4,968	8	..	..	
Darbhagudam	3,535	6	..	..	
Ramasingavaram	3,315	5	..	..	
WEST GODAVARI.					
Mutyalapalli	1,297	2	..	..	6,026
Nallajula	2,625	4	..	..	
Dubacherla	2,745	4	..	..	
Nachugunta	1,812	3	..	..	
Vunguturu	1,215	2	..	..	
Chintalapudi	1,086	2	..	..	
Lingapalem	2,158	3	..	..	
Yerraguntapalli	4,976	8	..	..	
Makkinavangudam	4,055	6	..	..	
Tadikalapudi	2,105	3	..	..	
Ragavapuram	3,561	6	..	..	
Narasapuram	5,773	9	..	..	
KISTNA.					
Banda Fort	25,479	40	..	..	7,387
Pedapatnam	1,571	2	216	..	
Uthipalem	3,208	5	..	..	
Gannavaram	1,926	3	..	..	
Kondur	4,150	..	..	..	
Dasullapalem	1,343	2	..	..	
Velvadam	785	1	..	..	
Vellatur	2,770	4	..	..	
Velagaleru	3,630	6	..	..	
Tadepalli	2,111	3	..	..	
Jangalapalli	1,151	2	..	..	
Gundaboyinapalem	1,039	2	..	..	
Pochampalli	1,291	2	..	..	
Ramampeta	1,029	2	..	..	
Chillakallu	903	1	98	..	
Jaggayyapet	4,375	7	..	..	
Budavada	1,608	3	..	..	
Balusupadu	2,353	4	..	..	
Ravirala	1,646	3	..	..	
Gandraya	715	1	..	..	

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Statement showing the extent, etc., of panchayat forests—cont.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
	(2)	(3)	(4)	(5)	
(1)					(6)
GUNTUR.					
New Kothapalem	1,945	3	..	..	30,472 for the whole district.
New Mupparajuvatipalem	2,949	5	..	..	
Muppalla	2,990	5	..	..	
Murtizapuram	2,186	3	..	..	
Pamidipad	1,796	3	..	..	
Agnigundala	4,853	8	..	..	
Kondramutla	3,051	5	..	..	
Gorrepad	1,045	2	..	..	
Kopparam	659	1	..	..	
New Kundarru	1,395	2	..	..	
Mukteswaram	680	1	..	..	
Nagarajupalli	1,140	2	..	..	
Uppumagalur	972	2	..	..	
Guravajipalem	1,543	2	..	..	
Nakerikal	2,774	4	..	..	
Vankayalapad	2,207	3	..	..	
New Kondavid and four others.	Forests under their management ordered to be retransferred to the Forest department.				
Madinapad	6,481	10	..	..	
New Madinapad	3,600	6	..	..	
Durgi	1,169	2	..	..	
Madugula	2,055	3	..	..	
Gundlapad	1,890	3	..	..	
Kambhampad	721	1	..	..	
New Piduguralla	1,889	3	..	..	
Veldurti	3,609	6	..	..	
Gamalapad	1,598	2	..	..	
New Vemavaram	2,311	4	..	..	
Tangeda	2,410	4	..	..	
New Guttikonda	2,759	4	..	..	
Regulagadda	3,230	5	..	..	
Davda	2,860	4	..	..	
Mandadi	2,245	4	..	..	
Konanki	4,438	7	..	..	
Pillutla	2,412	4	..	..	
Macherla	3,000	5	..	..	
Kothapalli	5,136	8	..	..	
Jettipalem	907	1	..	..	
Laimalli	903	1	..	..	
New Nidumukkala	1,006	2	..	..	
Pedarhaddur	305	..	..	..	
Mangalagiri	1,085	2	..	..	
Undavalli	1,138	2	..	..	
Kamepalli	2,050	3	..	..	
Dodleru	412	1	..	..	
Bellamkonda	1,241	2	..	..	
Kandipad	429	1	..	..	
Gundlapalli	948	1	..	..	
Peda Nemalipuri	2,500	4	..	..	
Kubadpuram	1,210	2	..	..	
New Rajupalem	4,648	7	..	..	
Inumetla	3,000	5	..	..	
Chinnakurthi	3,500	5	..	..	
Karlapalem	298	..	..	..	
Batchulavandlapalem	699	1	..	..	
Motupalli	658	1	..	..	
Vadarevu	889	1	..	..	
Pillalavaripalem	123	..	..	..	

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Statement showing the extent, etc., of panchayat forests—*cont.*

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
NELLORE.					
Vindur	502	1	..	..	66,488 for the whole district.
Kammavaripalem	552	1	..	..	
Pidathalapudi	700	1	..	..	
Vodur Budanam	678	1	..	..	
Venkatesupalli	800	1	..	..	
Yellasi	2,545	4	..	..	
Vallipadu	861	1	..	..	
Kothapatnam	2,764	4	..	..	
Thammanapatnam	789	1	..	..	
Momidi	1,604	3	..	..	
Vedicherla	829	1	..	..	
Uggumadi	2,543	4	..	..	
Pernad	2,955	5	..	..	
Venad	1,120	2	..	..	
Rajupalem	2,165	3	..	..	
Ayyagaripalem	206	..	..	..	
Chipinagi	1,086	2	..	..	
Penubarthi	1,304	2	..	..	
Dachur	1,379	2	..	..	
Nernur	1,299	2	..	..	
Chittalur	1,013	2	..	..	
Yetur	2,656	4	..	..	
Magallur	865	1	..	..	
Varintapathi	1,230	2	..	..	
Pulikollur	70	..	..	..	
Duggunta	915	1	..	..	
Gudur	1,093	2	..	..	
Chikavolu	1,215	2	..	..	
Pathegunta	1,785	3	..	..	
Utukur	690	1	..	..	
Turimerla	597	1	..	..	
Todern	792	1	..	..	
Cherlopalle	1,022	2	..	..	
Jorepalle	2,175	3	..	..	
Siddavavaram Masidpet	1,051	2	..	..	
Chaganam	1,100	2	..	..	
Chintalapalem	479	1	..	..	
Podalakur	2,560	4	..	..	
Biradavolu	2,811	4	..	..	
Sydapuram	2,043	3	..	..	
Griddalore	450	1	..	..	
Turpupundla	947	1	..	..	
Marupur	2,896	5	..	..	
Palicherlapad	1,725	3	..	..	
Vadlapudi	2,051	3	..	..	
Marlapudi	2,703	4	..	..	
Kommipad	1,515	2	..	..	
Gulicherla	673	1	..	..	
Gilakapad	2,740	4	..	..	
Nellepalli	1,426	2	..	..	
Gundavole	2,121	3	..	..	
Veminabli	1,163	2	..	..	
Tammalatalupur	3,617	6	..	..	
Amancherla	976	2	..	..	
Chemudugunta	482	1	..	..	
Chondapalem	894	1	..	..	
Dontali	1,737	3	..	..	

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Statement showing the extent, etc., of panchayat forests—*cont.*

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
NELLORE— <i>cont.</i>					
Kakuturu	713	1	..	..	66,488 for the whole district— <i>cont.</i>
Kandamur	1,483	2	..	..	
Kondlapudi	1,670	3	197	..	
Madmanur	489	1	..	..	
Muthukur	604	1	..	..	
Nellore	750	1	1,780	3	
South Mopur	1,069	2	..	..	
Survepalli	3,803	6	..	..	
Vaddapalem	1,070	2	..	..	
Viranakanapur	1,864	3	..	..	
Gudipad	1,811	3	..	..	
Peda Annalur	643	1	..	..	
Anantasagaram	1,526	2	..	..	
Varikuntapad	865	1	..	..	
Baddevolu Bhamanapalli	1,024	2	..	..	
Marripad	883	1	..	..	
Tikkavaram	1,761	3	..	..	
Boyilla	577	1	..	..	
Chiruvalla	1,155	2	..	..	
Chegerla	829	1	..	..	
Bubagunta	1,229	2	..	..	
Rajavolu	1,979	3	..	..	
Bommavaram	1,966	3	..	..	
Gowavaram	4,241	7	..	..	
Kakivoy	695	1	..	..	
Kaluvoy	2,339	4	..	..	
Kothapalli	1,124	2	..	..	
Pongur	2,759	4	..	..	
Ramaswamipalli	2,411	4	..	..	
Vengampalli	1,027	2	..	..	
Minagulla	286	..	..	..	
Nandavaram	893	1	..	..	
Peramanakondur	683	1	..	..	
Ammavaripalem	3,416	5	..	..	
Srikolam	1,109	2	..	..	
Vasili	..	..	1,088	2	
Kotithirtham	2,966	5	..	..	
Veligondla	641	1	..	..	
Takkepalligudur	1,054	2	..	..	
Manubolupadu	1,487	2	..	..	
Bitragunta	2,408	4	..	..	
Kavali	2,601	4	..	..	
Budamagunta	353	1	..	..	
Zummalapalem	985	2	..	..	
Lingarazu Agraharam	1,925	3	..	..	
Gathipalli	628	2	..	..	
Kothapalli	987	..	..	..	
Siripuram	2,907	5	..	..	
Timmasamudram	1,129	2	..	..	
Kudumuladinnapad	4,661	7	..	..	
Rudrakota	2,019	3	..	..	
Tallepalem	712	1	..	..	
Tammalapenta	3,996	6	..	..	
Bhyravaram	1,942	3	..	..	
Dattalore	4,490	7	..	..	
Nandipad	837	1	..	..	
Yepalagunta	1,981	3	..	..	
Udayagiri Kondayapalem	1,845	3	..	..	

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Statement showing the extent, etc., of panchayat forests—cont.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
NELLORE—cont.					
Krishnapuram	1,350	2	..	..	66,488 for the whole district—cont.
Yerukallu Gundamadakala ..	3,825	6	..	..	
Ranganaidupalli	994	2	..	..	
Guvvadi	1,493	2	..	..	
Gandipalem	962	2	..	..	
Kondareddipalli	998	2	..	..	
Bhatragolu	1,963	3	..	..	
Dagadurthi	1,727	3	..	..	
Kothapalli Kavaragunta ..	2,692	4	..	..	
Talamanchi Kammampalem ..	1,768	3	..	..	
Marripad	1,477	2	..	..	
Sangam	1,063	2	..	..	
Turimerla	567	1	..	..	
Buchireddipalem	2,157	3	..	..	
Chelamcherla	5,254	9	..	..	
Tettu	3,922	6	..	..	
Pothur	2,422	4	..	..	
Muthuvaripalem Yelurpad ..	2,265	4	..	..	
Pajerla	1,857	3	..	..	
Ravur	2,000	3	..	..	
Gudlur	4,289	7	162	..	
Chinalaterpi	1,135	2	..	..	
Magilicherla	2,398	4	..	..	
Chagollu	679	1	..	..	
Bhimavaram	1,088	2	..	..	
Ulavapad	421	1	98	..	
Karedu	1,190	2	1,839	3	
Chakicherla	1,279	2	..	..	
Vengulapuram	1,640	3	..	..	
Peda Irlapad	3,900	6	..	..	
Pedacherlapalli	1,746	3	..	..	
Kanigiri	2,000	3	..	..	
Hajipuram	1,228	2	..	..	
Hanumanthunipad	667	1	..	..	
Timmareddipalli	724	1	..	..	
Reddigaripalli	1,033	1	..	..	
Raviguntapalli	1,251	2	..	..	
Narramarella	775	1	..	..	
Chenchureddipalli	1,525	2	..	..	
Inimerla	1,500	2	..	..	
Ayyavarpalli	1,273	2	..	..	
Rangampalle	2,880	4	..	..	
Patur	8,230	13	..	..	
Jangamrajupalle	3,295	5	..	..	
Mittamanipalli	1,986	3	..	..	
Jandlamoram	5,449	9	..	..	
Kallur	845	1	..	..	
Rameswaram	973	2	..	..	
Chilamkur	1,597	2	..	..	
Paidipalem	1,977	3	..	..	
Bogalakatta	3,440	6	..	..	
Bondalakunta	3,644	6	..	..	
Denepalli	2,613	4	..	..	
Mangapatnam	1,677	3	..	..	
Teliki	1,296	2	..	..	
Mallela	1,701	3	..	..	
Cherlopalle	1,035	2	..	..	
Uppalur	2,331	4	..	..	

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Statement showing the extent, etc., of panchayat forests—cont.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
	(2)	(3)	(4)	(5)	
NELLORE—cont.					
Sirigipalle	2,801	4	..	..	66,488 (for the whole district—cont.
Dhodiya	2,315	4	..	..	
Nakkavaripalle	2,436	4	..	..	
Diguvapatnam	14	..	..	..	
Gandikota	3,825	6	..	..	
Sethivaripalle	4,136	7	..	..	
Kosinipalle	2,841	5	..	..	
Kalamalla	1,087	2	..	..	
Peddandlur	1,465	2	..	..	
Tallaprodatur	113	..	..	..	
Yamavaram	1,600	3	..	..	
Yerraballa	4,025	7	..	..	
Ambakapalle	2,249	3	..	..	
Komannutala	3,459	5	..	..	
Mararichintala	2,049	3	..	..	
Palagiri	1,280	2	..	..	
Kommaddi	684	1	..	..	
Kamalapuram	98	..	..	..	
Chinnalapenta	2,184	3	..	..	
Machanur	2,070	3	..	..	
Lebaka	358	..	..	..	
Isakibanda	1,099	2	..	..	
Karamatikona	4,923	8	..	..	
Kesapuram	2,989	5	..	..	
Madhavaram	3,373	5	..	..	
Kamalamarri	2,204	3	..	..	
Yoguvagottivedu	2,376	4	..	..	
Nulevodu	2,409	4	..	..	
Kurnutala	4,438	7	..	..	
Polemirapalle	1,702	3	..	..	
Sibiyala	4,215	7	..	..	
Tsundarpalle	3,000	5	..	..	
ANANTAPUR.					
Penukonda	5,956	9	..	..	2,816 (Penukonda taluk).
Somandepalle	2,525	4	..	..	
Rampuram	1,868	3	..	..	
Settipalli	4,075	6	..	..	
Pamudurti	4,122	6	..	..	
Agraharam	2,135	3	..	..	
Venkatigaripalli	2,163	3	..	..	
Talamarla	1,882	3	456	1	
Munimadugu	1,871	3	182	..	
Guttur	2,184	3	..	..	
Nyamaddala	1,855	3	..	..	1,780 (Hindupur taluk).
Gowrivaripalli	1,942	3	..	..	
Mallapalli	2,765	4	..	..	
Budali	2,164	4	..	..	
Chalirendale	3,518	5	..	..	
Kondur	2,047	3	..	..	
Demakethepalli	3,489	5	..	..	
Cherlopalli	1,478	2	..	..	
Madakasira	3,721	6	..	..	
Sankaragal	1,723	3	..	..	
Jambulabanda	2,470	4	..	..	2,489 (Madakasira taluk).
Gundamala	5,344	8	..	..	
Ratnagiri	1,127	2	..	..	
Mandalapalli	5,084	8	..	..	
Hottebetta	2,261	4	..	..	

[30th January 1936]

Statement showing the extent, etc., of panchayat forests—cont.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
ANANTAPUR—cont.					
Velichelamala	5,567	9	..	..	3,691 (Kadiri taluk).
Kurli	2,720	4	..	..	
Malakaranula	2,760	4	..	..	
Tanakal	2,257	4	..	..	
Somayagulapalli	1,226	2	..	..	
Katarupalli	2,488	4	..	..	
Nagireddipalli	3,854	6	..	..	
Jogannapeta	1,566	2	..	..	
Charupalli	3,088	5	..	..	
Allapalli	910	1	..	..	
Dorigal	4,419	7	2,964	5	
Eduhalli	1,400	2	..	..	
Mallipalli	2,099	3	200	..	
Pypedu	4,249	7	..	..	
Oddupalli	7,512	12	..	..	5,522 (Anantapur taluk).
Mattala	3,797	6	..	..	
Tarimala	5,782	9	..	..	
Singanamala	3,567	6	..	..	
Illur	1,911	3	353	1	
Marutla	2,141	3	..	..	
Kammur (Kotanka)	5,401	8	..	..	
Kolagalla	2,331	4	..	..	
Penakacherla	2,162	3	..	..	
Durgam	2,711	4	..	..	
Malyavantam	1,851	3	..	..	
Dadalur	3,477	5	..	..	2,222 (Dharmavaram taluk).
Ramagiri	2,057	3	..	..	
Pathapolian	3,947	6	..	..	
Narasampalli	2,189	3	..	..	
Gantapalli	4,004	6	..	..	
Jambugampalle	3,709	6	..	..	3,146 (Kalyandrug taluk).
Bertarapalle	1,241	2	..	..	
Sethur	4,373	7	..	..	
Pillalapalli	3,542	6	..	..	
Kalyandrug	4,344	7	..	..	
Kottur	5,424	9	..	..	
Enumuladoddi	1,799	3	..	..	
Kurukulapalli	1,344	2	..	..	
Beluguppe	2,935	5	..	..	
Tondapadu	2,534	4	..	..	
Kondupalli	2,690	4	..	..	4,265 (Gooty taluk).
Medinakulapalli	891	1	..	..	
Molakatalla	3,632	6	..	..	
Appcherla	2,468	4	..	..	
Arumpalle	3,790	6	..	..	
Yeddulapalle	3,941	6	..	..	
Tatrukallu	1,623	3	..	..	
Nagasamndram	4,746	7	..	..	
Pandikunta	3,339	5	..	..	
Palyam	1,667	2	..	..	
Dancherla	1,857	3	653	1	
Nelagonda	2,336	4	..	..	
Rampuram	3,001	5	13,202	..	

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Statement showing the extent, etc., of panchayat forests—cont.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
ANANTAPUR—cont.					
Pinnepalle	3,007	5	..	..	4,826 (Tadpatri taluk).
Chandana	2,383	4	..	..	
Konappabipadu	4,534	7	..	..	
Yallanur	474	1	..	..	
Goddumarru	4,878	8	..	..	
Dadithota	4,718	7	..	..	
Yelluthla	3,065	5	..	..	
Bukkapuram	6,266	10	..	..	
Kunukuntla	2,680	4	..	..	
Muchukota	6,215	10	..	..	
Rangarajukunta	5,859	9	..	..	
Sanjeevapuram	4,556	7	..	..	..
Kenkatampalli	5,002	8	..	..	
Gudipadu	..	..	2,522	4	..
BELLARY.					
Kachapanram	1,660	3	..	..	4,490 (Adoni taluk).
Halvi	1,086	2	..	..	
Kadimetla	2,036	3	..	..	
Banavasi	2,123	3	..	..	
Kotekallu	4,305	7	..	..	
Diffanakal	1,060	2	..	..	
G. Hosahalli	813	1	..	..	
Isivi	2,436	4	..	..	
Ballekal	799	1	..	..	
Bolagota	1,875	3	..	..	1,570 (Alur taluk).
Arikerla	1,511	2	..	..	
Neraniki	3,012	5	..	..	
Yellarthi	2,143	3	..	..	
Suluvooy	2,179	3	..	..	
Holalagundi	2,087	3	..	..	
Minchori	2,997	5	104	..	335 (Bellary taluk).
Chilkantapuram	..	..	1,194	2	
Nemakal	3,018	5	..	..	
Halakundi	1,727	3	..	..	
H. Siddapuram	6,263	10	323	1	
Vitlapuram	2,376	4	..	..	
Gollapalli	2,365	4	..	..	3,991 (Rayadrug taluk).
Rayadrug	3,507	5	..	..	
Mallapuram	1,770	3	..	..	
Hirehal	2,737	4	..	..	
T. Veerapur	2,539	4	..	..	
Vadrahonnur	2,722	4	..	..	
Rathibhavivanka	2,246	4	..	..	
Konthanapalli	1,349	2	..	..	
Halagapuram	5,105	8	..	..	1,288 (Hadagalli taluk).
Chintrapalli	2,132	3	2	..	
Koilarghatta	2,341	4	..	..	
Hirehadagalli	1,940	3	..	..	
Sogi	1,098	2	..	..	

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Statement showing the extent, etc., of panchayat forests—*cont.*

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
BELLARY— <i>cont.</i>					
Hanvihalli	2,852	4	..	..	5,741 (Harpanahalli taluk).
Musivinakallahalli	2,319	4	..	..	
Chigarteri	2,686	4	..	..	
Nichapuram	2,508	4	..	..	
Nichavanahalli	6,226	10	..	..	
Bendigeri	2,274	4	..	..	
Kyarakatti	4,728	7	..	..	
Kanchikeri	3,478	5	..	..	
Uchandidurgam	3,288	5	..	..	
Aligilavada	3,506	5	..	..	
Kadathi	2,203	3	..	..	7,588 (Hospet taluk).
Togarikati	3,942	6	..	..	
Hayarada	3,858	6	..	..	
Dasanahalli	1,765	3	..	..	
Hulikatti	1,901	3	..	..	
Halavagal	1,893	3	..	..	
Arasanahalu	4,669	7	..	..	
Adivimallanakeri	1,863	3	..	..	
Nagathibasapuram	3,983	6	..	..	
Joga	4,816	8	..	..	
Dharmasagaram	3,047	5	..	..	13,377 (Kudligi taluk).
Gadiganur	3,358	5	..	..	
Papinayakanahalli	2,827	4	..	..	
Upparahalli	1,929	3	..	..	
Daroji	3,069	5	..	..	
Kamalapuram	4,648	7	..	..	
Ingaligi	1,777	3	..	..	
Venkatapuram	3,018	5	..	..	
Kanvithimmapuram	2,691	4	..	..	
Hospet	3,272	5	..	..	
Dhomagal	1,524	2	..	..	1,465
Metriki	5,141	8	..	..	
Malapur	5,276	8	..	..	
Chikkantapur	5,318	8	1,465	2	
Ubbalagundi	2,141	3	..	..	
Bennekallu	4,183	7	..	..	
Boppalapuram	3,689	6	..	..	
Kothur	4,981	8	..	..	
Gajapuram	2,568	4	..	..	
Chiribi	2,213	3	..	..	
Sunkadakal	4,870	8	..	..	3,008 (Madurantakam taluk).
Suladahalli	4,016	6	..	..	
Mangapuram	5,541	9	..	..	
Banvikallu	4,493	7	..	..	
Chikkobanahalli	3,386	5	..	..	
Nimbalagiri	3,288	5	..	..	
Hosahalli	3,583	6	..	..	
Jammobanahalli	3,801	6	..	..	
Gundumunugu	3,675	6	..	..	
Hulikunta	3,672	6	..	..	
Shidegal	7,007	11	..	..	360
Ramadurgam	5,951	9	..	..	
Choranur	5,220	8	..	..	
Gudeka I	6,145	10	..	..	
Gudeka II	5,620	9	..	..	
Appayyanahalli	2,866	4	..	..	
Sheliappanahalli	4,204	7	..	..	
Gollalingamanahalli	1,411	2	..	..	
Jiginahalli	4,518	7	..	..	
Hakuppi	4,749	7	..	..	
Kvanahalli	5,303	8	..	..	360
Sierekeriaginahalli	3,089	5	..	..	

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Statement showing the extent, etc., of panchayat forests—*cont.*

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees.)
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
KURNOOL.					
Pendikallu	2,492	4	..	..	7,677 (Dhone division).
G. Erragudi	3,655	6	..	..	
Tuggali	1,902	3	..	..	
Jonnagiri	824	1	..	..	
Kappatralla	3,029	5	93	..	
Karumanchi	1,490	2	..	..	
Pattikonda	3,606	6	..	..	
Gundlakonda	4,476	7	..	..	
Eddupanta	1,472	2	..	..	
Mettupalle	1,808	3	958	1	
Kothaburuzu	1,198	2	..	..	1,449 (Kurnool division).
Katarkonda	2,861	4	..	..	
Ramakakota	1,819	3	96	..	
Veldurthi	2,800	4	..	..	
Yemboyi	3,244	5	182	..	
Peapalle	5,749	9	420	..	
Bethamcherla	5,467	9	..	..	
Velgode	6,751	11	..	..		3,003 (Markapur division).
Ganapavaram	11,981	19	..	..	
Yerragondapalem	9,054	14	..	..	492 (Nandyal division).
Ramavaram	2,267	4	890	1	
Yadavada	1,142	2	..	..	Kurnool division.
Loddipalli	..	..	1,445	2	
Bilakalagudur	..	..	418	1	Nandyal division.
CHINGLEPUT.					
Kallabiranpuram	612	1	..	..	3,008 (Madurantakam taluk).
Kolialam	839	1	..	..	
Gudlur A.	903	1	..	..	
Agili	386	1	..	..	
Acharapakkam	1,017	2	..	..	
Kattugudalur	2,434	4	..	..	
Rajapoliem	383	1	..	..	
Meyyur	..	..	360	1	
Edamichi	1,555	2	..	..	756 (Conjeeveram taluk).
Marudam	1,125	2	..	..	
Perungoli	712	1	..	..	(Conjeeveram taluk).

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Statement showing the extent, etc., of panchayat forests—cont.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
CHINGLEPUT—cont.					
Sembakkam	1,670	3	..	..	8,611 (Chingleput taluk).
Manamathi	1,534	2	..	..	
Madayathur	1,370	2	..	..	
Kattangolathur	731	1	..	..	
Vandalur	1,818	3	..	..	
Unamanjeri	1,950	3	..	..	
Kumili	1,206	2	..	..	
Gudalur	2,704	4	341	1	
Gudalur and Tirutheri	1,761	3	..	..	
Vallam and Vemmeli	1,492	2	..	..	
Anjur	1,492	2	..	..	
Sirukundram	1,559	2	..	..	
Nemali	1,526	2	453	1	
Tirumani	753	1	..	..	
Oragadam	1,024	2	890	1	
Tirukalikundram	2,563	4	377	1	
Sulur	949	1	..	..	
Sonallur	1,365	2	..	..	
Hanumanthaputheri	571	1	94	..	1,238 (Saidapet taluk).
Illalur	1,188	2	..	..	
Kazar and Mambakkam	3,952	6	233	..	
Mambakkam	1,888	3	..	..	
Paranur	637	1	16	..	
Appur	1,874	3	..	..	
Maduraipakkam	451	1	..	..	
Mittanamalli	236	..	..	..	
Nanmangalam	676	1	..	..	
Perumbakkam	114	..	..	..	
Tambaram	436	1	..	..	2,029 (Sriperumbudur taluk).
Koilpadagai	772	1	..	..	
Tirumullavayal	534	1	..	..	
Mannur	553	1	402	1	
Maganiam	955	1	..	..	
Nallur	1,073	2	..	..	
Kavanur	515	1	138	..	
Thandarai	828	1	53	..	
Puduppai	359	1	..	..	
Vattambakkam	814	1	..	..	
Vadakkupattu	710	1	..	..	1,750 (Tiruvallur taluk).
Siruvanjur	504	1	..	..	
Meyyur	682	1	..	..	
Nayapakam	1,168	2	..	..	
Pulrambakam	656	1	..	..	
Mailapore	1,148	2	..	..	
Vembedu	839	1	..	..	
Palavakam	753	1	..	..	
Pallikuppam	863	1	..	..	
Senjiagaram	325	1	..	..	1,902 (Ponneri taluk).
Erumaivettipalayam	532	1	..	..	
Irugulam	824	1	..	..	
Kollanur	852	1	..	..	
Mukarambakkam	728	1	..	..	
Manali	1,354	2	..	..	
Nemalur	1,395	2	..	..	
Alamedhi	1,128	2	..	..	
Santhavelur	940	1	..	..	

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Statement showing the extent, etc., of panchayat forests—cont.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
CHITTOOR.					
Padiputlabylu	2,332	3	..	..	21,069 (for the whole district).
Damalacheruvu	4,294	7	..	..	
Pakala	1,657	3	..	..	
Sanambatla	4,101	6	25	..	
Ganjireddipalli	6,145	10	..	..	
Gollapalli	2,460	4	..	..	
Maddireddigaripalli	348	..	..	..	
Malivaripalli	1,660	3	..	..	
Musalikunta	2,161	3	..	..	
Pepepalli	2,615	4	..	..	
Peddamandan	2,520	4	..	..	
Burugupalli	3,621	6	..	..	
Reddivaripalli	1,401	2	..	..	
Veligallu	3,139	5	..	..	
Bandrevu	3,768	6	..	..	
Gopidinne	3,325	5	..	..	
Sivapuram	1,705	3	..	..	
Tamballapalli	4,125	6	..	..	
Rangasamudram	956	1	..	..	
Devalcheruvu	2,664	4	..	..	
Peddapoliem	1,535	2	..	..	
Sompalli	2,321	4	..	..	
Kothavaripalli	5,507	9	..	..	
Vayalpad	2,954	7	..	..	
Peddamandan	1,249	3	..	..	
Pasalavandlapalli	1,802	3	..	..	
Kalicherla	5,165	8	..	..	
Burugupalli	1,840	3	..	..	
Chinnatippasamudram	2,014	3	..	..	
Marripad	5,413	8	..	..	
Errakotapalli	4,773	7	..	..	
Nadimcherla	2,105	3	..	..	
Nancheruvupalli	4,822	8	..	..	
Vepulabylu	3,065	5	..	..	
Guttapoliem	3,491	5	..	..	
Vagalla	2,518	4	..	..	
Talupula	3,552	6	..	..	
Nuthanakalva	3,698	6	..	..	
Mellacheruvu	4,078	6	..	..	
Khambamvaripalli	2,730	4	..	..	
Marella	2,055	3	..	..	
Gorantlapalli	4,275	7	..	..	
Somrajupalli	6,427	10	..	..	
Lakkanapalli	1,593	2	..	..	
Samudrapalli	2,029	3	..	..	
Kammanapalli	1,870	3	..	..	
Nangamangalam	815	1	..	..	
Diguvapalli	1,059	2	..	..	
Tavanampalli	1,468	2	..	..	
Bandarlapalli	1,862	3	..	..	
Puthalpat	2,332	4	..	..	
Polavaram	865	1	..	..	
Chinnamareddi Khandigai	513	1	..	..	
Reddigunta	1,474	2	..	..	
Kalapalli	1,468	2	..	..	
Gandlapalli	1,800	3	..	..	
	2,700	4	..	..	

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Statement showing the extent, etc., of panchayat forests—cont.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
CHITTOOR—cont.					
Panatur	2,266	4	..	..	21,069 (for the whole district)—cont.
Chittapara	1,824	3	..	..	
Gudipala	2,873	4	..	..	
Cheelapalli	3,780	6	..	..	
Patnam	2,634	4	..	..	
Yadamari	2,401	4	..	..	
Penumur	4,191	7	..	..	
Chintapenta	1,364	2	..	..	
Gundlapalli	2,887	5	..	..	
Nampalli	5,968	9	..	..	
Irala	3,637	6	..	..	
Putramaddi	2,442	4	..	..	
Paradarami	3,838	6	..	..	
Veerisettipalli	2,710	4	..	..	
Bodaguttapalli	3,672	6	..	..	
Dakshinapathapalayam	2,469	4	..	..	
Viludonipalayam	2,641	4	..	..	
NORTH ARCOT.					
Uriyur	622	1	..	..	874 (Arkonam taluk).
Velur	1,729	3	..	..	
Ammanur	265	..	..	..	
Ammur	2,297	4	..	..	2,927 (Wallajah taluk).
Jambukolam	2,842	4	..	..	
Senneleri	1,333	2	..	..	
Maranam	901	1	..	..	
Timmanacharikuppam	2,577	4	..	..	
Nandiyalam	1,996	3	..	..	
Ayilam	3,061	5	..	..	
Kuppam	2,535	4	..	..	
Punganur	2,432	4	..	..	
Varaghur	896	1	..	..	
Munjurpet	2,048	3	..	..	5,836 (Vellore taluk).
Palamadi	6,112	10	..	..	
Mottuppalayam	2,137	3	..	..	
Vallam	1,922	3	..	..	
Selamanatham	1,360	2	..	..	
Kilachur	808	1	..	..	
Unai	1,940	3	..	..	
Othiyathur	1,150	2	..	..	
Karadigudi	1,838	3	..	..	
Kilkothur	1,392	2	..	..	
Odugathur	1,821	3	..	..	6,282 (Gudiyattam taluk).
Agaram	2,027	3	..	..	
Katpadi	1,369	2	..	..	
Vandranthangal	2,119	3	..	..	
Karasamangalam	1,514	2	..	..	
Chenji	1,998	3	..	..	
Malayapattu	2,106	3	..	..	
Melmoyal	2,357	4	..	..	
Kalambat	912	1	..	..	
Kanguppam	2,100	3	..	..	
Nagal	2,695	4	..	..	
Kakapadi	3,843	6	..	..	982 (Cheyyar taluk).
Karkur	2,052	3	..	..	
Balur	1,730	3	..	..	
Pallalakuppam	3,662	6	..	..	
Pogalur	1,826	3	..	..	
Thottithoraimottur	972	2	..	..	
Chendathur	1,990	3	..	..	

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Statement showing the extent, etc., of panchayat forests—cont.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
NORTH ARCOT—cont.					
Vellakuttai	1,211	2	..	..	314 (Tiruppattur).
Annamalai	1,727	3	..	..	6,425 (Tiruvannamalai taluk).
Kilnathur	2,546	4	..	..	
Sellancuppam	1,734	3	..	..	
Kattampundi	3,199	5	..	..	
Nariyapattu	2,587	4	..	..	
Maruthuvambady	1,239	2	..	..	
Sorakkolathur	2,418	4	..	..	
Udirampundi	2,042	3	..	..	
Vettavalam	584	1	..	..	
Panaiyur	1,667	3	..	..	
Annamalai	..	..	580	1	9,726 (Chengam taluk).
Perumanam	1,236	2	..	..	
Adayar	2,259	4	..	..	
Melpadur	2,592	4	..	..	
Vadamathur	2,132	3	..	..	
Eraiur	3,096	5	..	..	
Narasinganallur	1,160	2	..	..	
Pachal	1,823	3	..	..	
Chinniyampettai	2,276	4	..	..	
Gudalur	3,061	5	..	..	
Thenkarimbalur	2,958	5	..	..	4,763 (Polur taluk).
Radapuram	3,470	5	..	..	
Kilvannakkambadi	1,642	3	..	..	
Melkarippur	2,488	4	..	..	
Melpulidiyur	2,712	4	..	..	
Karimangalam	1,542	2	..	..	
Melchengam	2,173	3	..	..	
Muthanur	1,720	3	..	..	
Royandapuram	..	..	..	..	
Naranakuppam	..	..	..	..	
Ettivadi	2,963	5	..	..	1,606 (Wandiwash taluk).
Alliyalamangalam	1,296	2	..	..	
Padagam	1,808	3	..	..	
Pernambakkam	2,070	3	..	..	
Seyyanandal	2,346	4	..	..	
Kadaladi	3,224	5	..	..	
Thenmadimangalam	2,555	4	..	..	
Padavedu	883	1	..	..	
Thuluvapushpagiri	1,120	2	..	..	
Mattavettu	3,134	5	..	..	
Veeranandal	3,000	5	..	..	982 (Cheyyar taluk).
Budur	489	1	..	..	
Nedungunam	1,566	2	6	..	
Ponnur	1,656	3	27	..	
Nambodu	..	..	1,424	2	
Vengunam	868	1	..	..	
Visamangalam	819	1	..	..	
Enadavadi	1,579	2	..	..	
Thandappantangal	1,123	2	..	..	
Pullavakkam	..	..	312	..	

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Statement showing the extent, etc., of panchayat forests—*cont.*

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
SOUTH ARCOT.					
Annakarankuppam ..	2,956	5	..	..	30,585 (for the whole district).
Perperiankuppam ..	2,579	4	..	..	
Killai ..	3,355	5	..	..	
Ma. Pudur ..	1,694	3	..	..	
Manakollai ..	4,679	7	..	..	
Kottai ..	1,578	2	..	..	
Mudanai ..	863	1	..	..	
Mu. Parur ..	3,064	5	..	..	
Nemam ..	1,100	2	..	..	
Kuppanatham ..	1,705	3	..	..	
Kilkurichi ..	1,775	3	..	..	
Vilangulam ..	1,261	2	..	..	
Kanangur ..	2,814	4	..	..	
Porasakurichi ..	1,697	3	..	..	
Pusapadi ..	1,617	3	..	..	
Mulpalangur ..	3,260	5	..	..	
Athiyur ..	1,729	3	..	..	
Periapagandar ..	2,336	4	..	..	
Rishivandian ..	3,324	5	..	..	
Sithal ..	1,518	2	..	..	
Tottapadi ..	1,448	2	..	..	
Endal ..	2,967	5	..	..	
Magarur ..	1,263	2	..	..	
Mukkanur ..	1,164	2	..	..	
Vadaporiparappi ..	3,575	6	..	..	
Puthirampattu ..	1,008	2	..	..	
Ninnaiyur ..	2,800	4	..	..	
Pidagam ..	6,200	10	..	..	
Kuthakudi ..	1,295	2	..	..	
Arasangudi ..	6,044	9	..	..	
Ponniandal ..	2,272	4	..	..	
Madampundi ..	1,990	3	..	..	
Arunkurukkai ..	8,300	13	3	..	
Murungambady ..	980	2	..	..	
Manalurpettai ..	2,827	4	..	..	
Kunjaram ..	1,000	2	..	..	
Mandagapady ..	1,800	3	3	..	
Mattigai ..	1,030	2	..	..	
Pinnalavadi ..	1,200	2	..	..	
Edaikkal ..	3,390	5	..	..	
Mulasamudram ..	951	1	..	..	
Sengurichi ..	1,700	3	34	..	
Sirupakkam ..	1,080	2	..	..	
Kallandal ..	1,639	3	..	..	
Viranjipuram ..	1,392	2	..	..	
Malavantangal ..	608	1	..	..	
Nallapalayam ..	1,603	3	..	..	
Vikravandi ..	464	1	..	..	
Kattalai ..	1,200	2	..	..	
Kandadu ..	600	1	..	..	
Olagapuram ..	1,206	2	..	..	
Merkanam ..	680	1	..	..	
Sirukadambur ..	850	1	..	..	
Sevalaporai ..	1,633	3	..	..	
Alampundi ..	1,058	2	..	..	
Perungappur ..	1,453	2	..	..	
Sirukadambur ..	1,289	2	..	..	

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Statement showing the extent, etc., of panchayat forests—*cont.*

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres. (2)	In square miles. (3)	In acres. (4)	In square miles. (5)	
(1)	(2)	(3)	(4)	(5)	(6)
SOUTH ARCOT—cont.					
Gangavaram	956	1	..	..	30,545 (for the whole district)—cont.
Gangaram	2,918	5	..	..	
Thuthipattu	3,709	6	..	..	
Anantapuram	787	1	..	..	
Karai	1,697	3	..	..	
Malavantangal	657	1	..	..	
Virangipuram	361	1	..	..	
Ponnampundi	781	1	..	..	
Paddipallam	3,047	5	..	..	
Periamur	2,278	4	..	..	
Nallampillaipettah	1,857	3	..	..	
Nallampillai Kuppam	4,445	7	..	..	
Sethavarai	1,757	3	..	..	
Puvanur	..	..	444	1	
CUDDAPAH.					
Rangampalle	2,880	1	1,046	2	17,020
Patur	8,230	13	..	..	
Jangamragipalle	3,295	5	..	..	
Mittamanipalle	1,986	3	..	..	
Jandlamoram	5,449	9	..	..	
Kallur	645	1	..	..	
Rameswaram	973	2	..	..	
Chilankur	1,597	2	..	..	
Paidipalem	1,977	3	..	..	
Bogalakalla	3,440	5	..	..	
Bondalakunta	3,644	6	..	..	
Donepalle	2,613	4	..	..	
Mangapatnam	1,677	3	..	..	
Teliki	1,296	2	..	..	
Mallela	1,701	3	2,928	5	
Cherlopalle	1,035	2	..	..	
Uppalur	2,331	4	339	1	
Sirigipalle	2,801	4	..	..	
Dhodiya	2,315	4	..	..	
Nakkavaripalle	2,436	4	..	..	
Diguvapatnam	14	..	587	1	
Gandikota	3,825	6	..	..	
Settivampalle	4,136	6	..	..	
Kosinipalle	2,841	4	..	..	
Kalamalla	1,087	2	..	..	
Peddandhur	1,465	2	..	..	
Tallapreddatur	113	..	..	..	
Yamavaram	1,600	3	..	..	
Yerraballa	4,025	6	..	..	
Arbakapalle	2,249	4	..	..	
Komannutala	3,469	5	..	..	
Mararichintala	2,049	3	..	..	
Palagiri	1,280	2	..	..	
Kommaddi	684	1	..	..	
Kannalapuram	98	..	..	..	
Chinialapenta	2,184	3	682	1	
Machanur	2,070	3	..	..	
Lebaka	358	1	143	..	
Tsakibanda	1,099	2	..	..	
Karamatikona	4,923	8	..	..	
Keasapuram	2,989	5	..	..	

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Statement showing the extent, etc., of panchayat forests—*cont.*

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
CUDDAPAH—cont.					
Madhavaram	3,373	5	..	..	17,929—cont.
Kamalamarri	2,204	3	..	..	
Yeguvagottivedu	2,376	4	..	..	
Nulivedu	2,409	4	..	..	
Kurnutala	4,438	7	..	..	
Polimerapalle	1,702	3	..	..	
Sibyala	4,215	7	..	..	
Tsundapalle	3,000	5	..	..	
Venkayakalva	..	..	869	1	
Lingala	..	..	4,487	7	
Velidandla	..	..	2,243	4	
Vandadi	..	..	3,390	5	
TRICHINOPOLY.					
Perali	1,319	..	..	..	4,938 (Perambalur taluk).
Sithali	1,226	2	..	..	
Kilapuliyur	766	1	..	..	
Namaiyur	885	1	..	..	
Kalathur	1,382	2	..	..	
Ayyanarpalayam	2,874	4	..	..	
Kariyanur	774	1	..	..	
Periyavadagarai	912	1	..	..	
Venbavur	1,782	3	16	..	
Tiruppayar	1,644	3	..	..	
Veppanthattai	544	1	6	..	
Velur	2,989	5	..	..	2,721 (Udayarpalayam taluk).
Sathiramanai	1,853	3	..	..	
Kurumbalur	1,963	3	..	..	
Siruvachur	1,984	3	..	..	
Narayanamangalam	1,263	2	..	..	
Kilnatham	1,516	2	..	..	
Sathamjadi	1,000	2	..	..	
Ulliyakudi	697	1	..	..	
Vilangudi	1,089	2	..	..	
Periyavalayam	1,065	2	..	..	
Vettiarvettu	429	1	..	..	
Siluvacheri	1,054	2	..	..	1,870 (Lalgudi taluk).
Kanguli	800	1	..	..	
Ayyur Mudukulam	2,092	3	..	..	
Tirukonam	1,645	3	..	..	
Thathanur	1,500	2	..	..	
Nedungur	634	1	..	..	
Maniankurichi	1,005	2	..	..	
Edumalai	1,601	3	..	..	
Thachankurichi	2,409	4	..	..	
Maramareddipalayam	783	1	..	..	
Thinnanur	259	..	..	..	
Omandur	753	1	..	..	
Neduvallur	1,763	3	..	..	
Kurichimalai	1,110	2	..	..	
Kottathur	2,209	3	..	..	
Pulivalam	863	..	..	..	
Vellakkalpatti	1,858	3	..	..	
Viramachampatti	1,900	3	..	..	
Ponnusanganipatti	1,978	3	..	..	
Mavilipatti	1,798	3	..	..	

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Statement showing the extent, etc., of panchayat forests—*cont.*

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
RAMNAD.					
Kothankulam	550	1	..	..	707
MADURA.					
Kalvarpatti	4,768	7	..	..	4,290 (Dindigul division).
Thengarai	1,329	2	..	..	
Vannampatti	2,253	4	..	..	
Sengattampatti	1,804	3	..	..	
Nadakottai	874	1	..	..	
Munnadimangalam	1,495	2	..	..	1,249 (Usilampatt. division).
Pappapatty	141	..	..	..	
Nariampatty	324	1	..	..	
Manuthu	706	1	..	..	
Nalluthevanpatty	3,215	5	..	..	
Veerapandi	444	1	..	..	466 (Melur division).
Allinagaram	710	1	..	..	
Chinnamanoor	441	1	..	..	
Mungipatty	..	..	553	1	
Vilacheri	1,521	2	103	..	
Narasingampatty	1,101	2	..	..	1,897 (Dindigul division).
Puthur	198	..	266	..	
Gollapatty	..	..	291	..	
Sengurichi	..	..	1,744	3	
Thadayampatty	..	..	987	2	
Pallapatty	..	..	1,360	2	(Usilampatti division).
TINNEVELLY.					
Patheranagaram	..	..	228	..	1,897 (Dindigul division).
Thalayattu	1,446	2	..	..	
Gangaikondan	1,391	2	..	..	
Sivalaperi	215	..	..	..	
Melapattam	913	1	..	..	
Muthur	848	1	..	..	4,942 (Erode taluk).
Sivalarkulam	1,411	2	..	..	
COIMBATORE.					
Mettupalayam	1,485	2	..	..	4,751 (Coimbatore taluk).
Kijjirampalayam	2,987	5	..	..	
Modur	3,379	5	..	..	
Sirumugai	1,721	3	..	..	
Tekkampatti	1,312	2	..	..	
Alathi	1,340	2	..	..	4,697 (Gobichetti-palayam taluk).
Ethinadai	2,357	4	..	..	
Dalavipatnam	956	1	..	..	
Udiyur	910	1	..	..	
Garudankottai	1,604	3	..	..	
Arachalur	1,084	2	..	..	4,697 (Gobichetti-palayam taluk).
Chennimalai	886	1	..	..	
Ekkatampalayam	828	1	..	..	
Punjai Palatholuvu	278	..	..	..	
Dalavaipalayam	682	1	..	..	
Sembagapudur	2,010	3	..	..	4,697 (Gobichetti-palayam taluk).
Periakattipatti	2,303	4	..	..	
Alampalayam	2,866	4	..	..	
Thoppampalayam	2,980	5	..	..	
Panayamballi	2,331	4	..	..	
Andiyur	3,132	5	..	..	

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Statement showing the extent, etc., of panchayat forests—cont.

Name of panchayat.	Extent of reserved forest.		Reserved land.		Income of the panchayat (in rupees).
	In acres.	In square miles.	In acres.	In square miles.	
(1)	(2)	(3)	(4)	(5)	(6)
SALEM.					
Ulkurichi	2,816	4	..	..	1,103 (Hosur division), divi-
Thattakkal	856	1	..	..	
Thogarapalli	900	1	..	..	
Varatanapalli	2,330	4	..	..	
Gunnissettipalli	1,047	2	..	..	7,566 (Dharmapuri division).
Ramenahalli	3,429	5	..	..	
Ganapathipatti	3,036	5	..	..	
Sellampatti	3,329	5	..	..	
Vadapatti	1,563	2	..	..	
Sungarahalli	960	1	..	..	
Mobiripatti	1,679	3	..	..	
Kilmorappur	2,273	4	..	..	
Thammissettipatti	2,263	4	..	..	
Ammamet	3,142	5	..	..	3,193 (Sankari division).
Kattarasampalli	4,200	7	..	..	
Pudur Pungani	1,120	2	..	..	
Kallavi	4,042	6	..	..	
Vellalapatti	867	1	..	..	
Athipadi	3,949	6	..	..	
Sundamalai	650	1	..	..	
Katteri	3,163	5	..	..	
Gonur	2,998	5	..	..	
Mookanur	1,260	2	..	..	
Thottipatti	1,516	2	..	..	
Kolnayakanpatti	4,000	6	..	..	
Suriamalai	4,166	7	..	..	6,562 (Salem division), divi-
Pakkanad	4,066	6	..	..	
Kudumalai	1,472	2	..	..	
Kiripatti	3,189	5	..	..	
Kondayampalli	3,696	6	..	..	
Siliampatti	2,328	4	..	..	
Tandrayapuram	2,460	4	..	..	
Virapandi Murungapatti	4,472	7	..	..	
Pomarampatti Kattuveppa-lapatti.	2,773	4	2,332	4	
Panamarathupatti	3,173	Handed over to Forest Department.			
Guralnattam	..	..	1,066	2	Salem division.
Elagiri	..	..	1,071	2	
Guzzalnayakanpatti	3,937	6	..	..	
SOUTH KANARA.					
Bhogotigutti	39	..	..	..	717
Volaikadu	28	..	..	..	
Heroor	151	..	..	..	
Baikadi	242	..	..	..	
Banglehadi	114	..	..	..	
Belapu	309	..	..	..	
Belletta Thumandi	103	..	..	..	
Kadandale	223	..	..	..	
Ramassamudram Kadu	529	1	..	..	
Katipalla	204	..	..	..	

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A statement showing the area of timber forests, nature of timber grown, area of fuel forests and nature of fuel in each division under working plan in acres.

(Information for each district is not available.)

Name of division.	Fuel forests.		Timber forests.	
	Area of fuel forests.	Nature of fuel.	Area of timber forests.	Nature of timber grown.
(1)	(2)	(3)	(4)	(5)
	ACS.		ACS.	
1 Vizagapatam ..	16,873	Miscellaneous species.	15,869	Sal, miscellaneous timber, teak and soft wood.
2 Godavari, Upper	1,017	Do.	37,457	Teak and miscellaneous timber.
3 Godavari, Lower.	41,986	Miscellaneous species and casuarina.	7,766	Miscellaneous timber.
4 Guntur	28,436	Miscellaneous species.	1,286	Palmyra and babul.
5 Nellore	32,370	Miscellaneous species and casuarina.	..	..
6 Anantapur ..	31,640	Miscellaneous species.	14,054	Miscellaneous timber.
7 Kurnool, East ..	6,262	Do.	130,518	Miscellaneous timber and soft wood.
8 Kurnool, South ..	55,893	Do.	124,581	Miscellaneous timber and palmyra.
9 Kurnool, West ..	..	..	28,924	Do.
10 Cuddapah, North	96,905	Miscellaneous species.	604	Palmyra, red sanders and miscellaneous species.
11 Cuddapah, South.	79,929	Do.	159,707	Red sanders and miscellaneous timber.
12 Chittoor	56,263	Do.	26,492	Red sanders, soft wood and miscellaneous timber.
13 Salem, South ..	29,737	Do.	5,539	Miscellaneous timber.
14 Salem, Central ..	69,114	Do.	52,340	Palmyra and miscellaneous timbers.
15 Salem, North ..	7,850	Do.	..	..
16 Vellore, East ..	54,975	Do.	..	..
17 Vellore, West ..	58,973	Do.	8,209	Miscellaneous timber.

[30th January 1939]

A statement showing the area of timber forests, nature of timber grown, area of fuel forests and nature of fuel in each division under working plan in acres—*cont.*

Name of division. (1)	Fuel forests.		Timber forests.	
	Area of fuel forests.	Nature of fuel.	Area of timber forests.	Nature of timber grown.
	(2) ACS.	(3)	(4) ACS.	(5)
18 Coimbatore, North.	66,275	Miscellaneous species.	157,748	Karimarudu, Pillamarudu, vengai, thadasal and miscellaneous timbers.
19 Coimbatore, South.	20,200	Do.	38,006	Mesua, rosewood, teak, karimarudu, pillamarudu, white and red cedar and miscellaneous timbers.
20 Kollegal	22,952	Do.	14,634	Toak and miscellaneous timbers.
21 Madura	167,157	Miscellaneous species and eucalyptus.	15,766	Teak, ainee, rosewood, pinewood and miscellaneous timbers.
22 Tinnevelly ..	50,905	Do.	13,036	Teak, mesua and miscellaneous timbers.
23 Tanjore	1,663	Miscellaneous species.	..	....
24 South Kanara ..	23,538	Do.	62,312	Hopea, teak, karimaradu, pillamarudu and miscellaneous timbers.
25 Wynaad	..	..	109,288	Teak, rosewood, mesua, karimarudu and miscellaneous timbers.
26 The Nilgiris ..	1,842	Eucalyptus and miscellaneous species.	28,999	Teak, rosewood and miscellaneous species.
27 Nilambur	..	..	40,408	Teak, rosewood, karimarudu, hopea, pali poon and miscellaneous timbers.
28 Palghat	20,092	Miscellaneous species.	51,398	Teak, rosewood, karimaradu, mesua, pali poon and miscellaneous species.

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Forest area open to grazing in each Forest division.

(Information for each district is not available.)

Name of the division. (1)	Area open to grazing in			
	Reserved forests.		Reserved lands.	
	(2) SQ. MILES.	ACS.	(3) SQ. MILES.	ACS.
1 Vizagapatam	285	182,400	84	53,760
2 Godavari, Upper	881	563,840	..	..
3 Godavari, Lower	400	256,000	47	30,080
4 Guntur	558	357,120	..	..
5 Nellore	35	22,400	..	..
6 Anantapur	378	241,920	..	..
7 Kurnool, East	874	559,360	..	..
8 Kurnool, South	714	456,960	..	..
9 Kurnool, West	823	526,720	..	..
10 Cuddapah, North	902	577,280	..	..
11 Cuddapah, South	627	401,280	1	640
12 Chittoor	466	298,240	..	..
13 Vellore, East	452	289,280	..	..
14 Vellore, West	334	213,760	..	..
15 Salem, North	518	331,520	..	..
16 Salem, Central	516	330,240	3	1,920
17 Salem, South	362	231,680	19	12,160
18 Kollegal	934	597,760	..	..
19 Coimbatore, North ..	805	515,200	1	640
20 Coimbatore, South ..	210	134,400	..	..
21 Madura	485	310,400	..	..
22 Tinnevelly	179	114,560	..	..
23 Tanjore	35	22,400	1	640
24 South Kanara	787	503,680	..	..
25 Wynaad	259	165,760	..	..
26 Nilambur	..	..	..	..
27 Palghat	106	67,840	..	..
28 The Nilgiris	439	280,960	6	3,840
Total	13,364	8,552,960	162	103,680

Statement showing the quantity of timber extracted and the amount realized during the year 1937-38 in each circle.

(Information in each district is not available.)

Name of circle.	Timber.	
	Quantity in thousands of cubic feet.	Amount realized in 1937-38.
		RS.
Waltair	449	53,846
Bellary	458	52,572
Salem	141	3,017
Coimbatore	715	3,13,241
Ootacamund	1,830	10,91,081
Total for the Presidency.	3,593	15,13,757 *

* The amount realized in the year does not correspond exactly with the volumes produced, as a part of the timber extracted in 1936-37 was sold in 1937-38, and a part of the timber extracted in 1937-38 was sold only in 1938-39.

[30th January 1939]

APPENDIX II.

[Vide answer to starred question No. 148 asked by Sri D. Sriramamurti at the meeting of the Legislative Council held on the 30th January 1939, page 186 supra.]

Number of appointments.	Names of appointees.	Andhra or Non-Andhra.	Whether Non-Andhras are qualified in Telugu.
(1)	(2)	(3)	(4)
	<i>(a) Colleges.</i>		
8	Sri T. Suryanarayana, Principal, Government Arts College, Rajahmundry.	Andhra ..	....
	Sri K. C. Subrahmanya Ayyar, Principal, Training College, Rajahmundry.	Non-Andhra.	....
	Mr. P. V. Alexander, Lecturer in English, Government Arts College, Rajahmundry.	Do.	....
	Sri C. D. Subrahmanya Chetti, Principal, Ceded Districts College, Anantapur.	Do.	Knows well. Telugu
	Sri P. B. Patnaik, Lecturer in Mathematics, Ceded Districts College, Anantapur.	Andhra ..	....
	Dr. M. Karamchand, Lecturer in English, Ceded Districts College, Anantapur.	Punjabi ..	....
	Sri P. Narayana Gowd, Lecturer in Chemistry, Ceded Districts College, Anantapur.	Andhra ..	....
	Sri S. Ganapathisubrahmanyam, Lecturer in Physics, Ceded Districts College, Anantapur.	Non-Andhra.	....
	<i>(b) Inspectorate.</i>		
8	Muhammad Abdul Ali Sahib Bahadur, District Educational Officer, Vizagapatam.	Andhra ..	....
	Sri Damodara Mudaliyar, District Educational Officer, Kistna.	Non-Andhra.	Knows well. Telugu
	Sri M. R. Subrahmanya Ayyar, District Educational Officer, West Godavari.	Do.	Knows and has passed the Telugu tests.
	Sri D. Ramayya, District Educational Officer, Kistna.	Andhra ..	....
	Sri K. P. Govinda Menon, District Educational Officer, Vizagapatam.	Non-Andhra.	....
	Sri C. Raghunatha Ayyangar, District Educational Officer, Guntur.	Do.	Knows well and has passed the Telugu tests.
	Sri S. Murugesu Mudaliyar, District Educational Officer, Kurnool.	Do.	....
	Sri P. Raghavachari, District Educational Officer, Chittoor.	Do.	(Chittoor is bi-lingual.)

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APPENDIX III.

[Vide answer to starred question No. 149 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 30th January 1939, page 187 supra.]

Resolutions passed at the Conference of Ministers of Industries held in Delhi on the 2nd and 3rd October 1938 under the Chairmanship of Sjt. Subash Chandra Bose, President of the Indian National Congress.

(1) This Conference of the Ministers of Industries is of the opinion that the problems of poverty and unemployment, of national defence and of the economic regeneration in general cannot be solved without industrialization. As a step towards such industrialization, a comprehensive scheme of national planning should be formulated. This scheme should provide for the development of heavy key industries, medium scale industries and cottage industries, keeping in view our national requirements, the resources of the country, as also the peculiar circumstances prevailing in the country.

The scheme should provide for the establishment of new industries of all classes and also for the development of the existing ones.

Large-scale Industries.

(2) This Conference, having considered the views of several Provincial Governments, is of the opinion that pending the submission and consideration of a comprehensive industrial plan for the whole of India, steps should be taken to start the following large-scale industries of national importance on an all-India basis and the efforts of all Provinces and Indian States, should as far as possible, be co-ordinated to that end :—

- Manufacture of machinery and plant and tools of all kinds.
- Manufacture of automobiles, motor boats, etc., and their accessories and other industries connected with transport and communication.
- Manufacture of electrical plant and accessories.
- Manufacture of heavy chemicals and fertilizers.
- Metal production.
- Industries connected with power generation and power supply.

Planning Committee.

(3) With a view to doing preliminary work for giving effect to the resolutions (1) and (2), this Conference appoints a Planning Committee, the personnel of which will be announced later by the Congress President.

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To enable this Committee to commence work forthwith, the different Provincial Governments are requested to make suitable financial contributions. The Committee will submit its report to the Congress Working Committee and to the All-India National Planning Commission provided for hereafter within four months of the commencement of its sitting.

(4) This Conference is further of opinion that a Commission, fully representative of all-India, including the British Indian Provinces and the Indian States, should be appointed for the purpose of giving effect to resolutions (1) and (2) after due consideration of the recommendations of the Planning Committee. The Commission to be called the All-India National Planning Commission, shall consist of the following members with powers to co-opt—

- (a) One nominee of the Government of each Province or State co-operating in this work.
- (b) Four representatives of the Federation of Indian Chambers of Commerce.
- (c) A representative of the All-India Village Industries Association.
- (d) All members of the Planning Committee mentioned in Resolution No. (3).

Expert Advisers.

The Planning Committee and the All-India National Planning Commission shall have a paid non-member Secretary with the necessary staff. The Commission shall, at its first meeting, frame rules for its own procedure.

The Commission may appoint a sub-committee or sub-committees of experts to report to it on technical or financial aspects of any industry under consideration and may, for expert investigation, employ suitable technicians.

The Commission shall submit interim reports on each industry by definite dates to be fixed by the Commission at its first meeting.

First Meeting.

The first meeting of the All-India National Planning Commission shall be presided over by the President of the Indian National Congress. At that meeting the Commission shall elect its own Chairman, who if not already a member of the Commission, shall, *ex officio*, become a member of that body.

The Commission shall, in its report, formulate complete schemes including recommendations on the following points:—

- (a) Place or places where a particular industry shall be established with due regard to all relevant circumstances, such as the supply of raw materials, natural and local advantages, facilities, etc.

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- (b) Method of organization of industry, whether it should be under complete State control or under private enterprise and, in the latter case, the mode of State aid.
- (c) The method of financing the industry and its management.

Each co-operating Province and State shall make an initial financial contribution to the Commission to meet all necessary expenditure.

As soon as the All-India National Planning Commission comes into existence, the Planning Committee provided for in Resolution No. (3) will be absorbed in the Commission and will place before the Commission all the facts, materials, reports, etc., collected or drawn up by it.

Mr. V. V. Giri, Minister of Industries, Madras, will take the necessary steps in bringing into existence the All-India National Planning Commission and will also convene the first meeting of the Commission.

Power Alcohol.

(5) This Conference is of opinion that it is of national importance that industrial and power alcohol should be manufactured in India and the necessary raw material, chiefly molasses, now available in India in huge quantities which is at present being wasted, should be fully utilized. This Conference has heard with satisfaction that the Governments of the Provinces of United Provinces and Bihar, Bombay and Madras have schemes for the manufacture of power and industrial alcohol under their consideration. This Conference is of opinion that all the Provinces and States should fully co-operate and assist in the establishment and development of such an industry on an all-India scale, and to that end this Conference strongly recommends that necessary legislation should be enacted throughout India, to make illegal the sale of petrol, unmixed with power alcohol for purposes of automobile fuel.

Automobile Industry.

(6) This Conference resolves that all the Provincial Governments and Indian States should co-operate with and assist one another in matters of marketing, industrial research, compilation and distribution of commercial and industrial intelligence, expert advice and technical and vocational education.

(7) This Conference favours the automobile project placed before it and recommends that the Planning Committee should examine the whole scheme in all its details and make its recommendations to the National Planning Commission.

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SRI K. MADHAVA MENON:—“ May I ask with regard to clause (c) whether the work done by the honorary Labour Officer and that done by the present paid Labour Officer are the same? ”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“ It may be different. At one time it was found that an honorary Labour Officer was enough for doing the work, but as the activities of the Labour department have been greatly extended now, it is not possible to have an honorary officer to carry on the duties.”

Acquisition of lands for house-sites for scheduled classes in Malabar.

* 155 Q.—SRI K. MADHAVA MENON: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether it is a fact that under the existing regulations the Labour department cannot acquire lands for the purpose of house-sites to the scheduled classes in Malabar;

(b) if so, whether the district authorities have brought the legal difficulty to the notice of the Government; and

(c) whether the Government now propose to remove the legal difficulty in the matter?

THE HON. SRI V. I. MUNISWAMI PILLAI (Minister for Agriculture and Rural Development) on behalf of the Hon. Sri V. V. Giri:—“ (a) There is no such prohibition.

“ (b) & (c) Do not arise.”

Acquisition of land for the Headquarters Hospital building at Calicut.

* 156 Q.—SRI K. MADHAVA MENON: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether proceedings for acquisition of lands have been started for a new building for the Headquarters Hospital at Calicut; if so, at what stage it is now;

(b) whether the scheme for water-supply in the Calicut Municipality has been taken up; if so, at what stage it is now; and

(c) whether the scheme for drainage for the Calicut Municipality has been taken up; if so, at what stage it is now?

THE HON. DR. T. S. S. RAJAN:—“ (a) Draft notification under section 4 (1) of the Land Acquisition Act has been published. Draft notification under section 6 of the Act is awaited from the Collector of Malabar.

“ (b) The Chief Engineer, Public Works Department (General, Buildings and Roads), has reported that tenders for the infiltration wells and suction wells have been received and that an

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indent for the supply of pipes had been placed with the Indian Stores Department. Notifications under section 4 (1) of the Land Acquisition Act have been issued for the lands required for the headworks. The selection of the sites for location of infiltration wells is under consideration.

“ (c) The investigation of the drainage scheme is in progress.”

SRI K. MADHAVA MENON:—“ May I know, Sir, whether the Hon. Minister is aware that the department is not able to spend the entire amount budgeted this year? ”

THE HON. DR. T. S. S. RAJAN:—“ The Government are not aware of it, but it is just possible that they are not able to spend it. It happens in very many cases where works are not completed.”

Communitywar list of persons imprisoned in connexion with anti-Hindi agitation.

* 157 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR on behalf of Sri Diwan Bahadur R. Srinivasan: Will the Hon. the Prime Minister be pleased to state the number of men and women among the (1) Hindus, (2) Muslims, (3) Indian Christians and (4) Scheduled Castes who were imprisoned in the matter of anti-Hindi agitation since the introduction of Hindi in schools in this Province up to the 30th November 1938?

THE HON. SRI C. RAJAGOPALACHARIAR:—“ The figures up to 30th November 1938 analysed as far as possible are as follows:—

			Hindus (other than Scheduled Castes).	Muslims.	Indian Christians.	Scheduled Castes.
Men	..	..	305	36	6	36
Women	..	..	17	..	..	..”

SRI K. MADHAVA MENON:—“ May I ask whether the persons who are recruiting people for this picketing campaign are making special appeals to people suffering from bad maladies to come as volunteers for this purpose saying that they would get good treatment in the jail hospitals? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ I hope it is not true, Sir.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“ May I know whether people are really recruiting persons for this purpose? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ That is a fairly strong presumption, Sir, under the circumstances.”

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SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“Have they got any evidence to that effect, Sir?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I cannot produce it here, Sir.”

Failure of crops in the districts of Chittoor, North and South Arcot, Nellore and the Ceded districts and relief measures taken.

* 158 Q.—SRI RAO BAHADUR M. RAMAKRISHNA REDDI:
Will the Hon. the Minister for Revenue be pleased—

(a) to place before the House the reports of Collectors of the districts of Chittoor, North Arcot, South Arcot, Nellore and the Ceded districts regarding the failure of crops by reason of the failure of the monsoon; and to state

(b) the extent of failure of the several crops in the said districts on account of failure of rains;

(c) the measures adopted or proposed to be adopted for the relief of the people that suffered thereby; and

(d) whether the Government have sanctioned any additional staff for the detailed investigation of the loss caused thereby?

THE HON. SRI T. PRAKASAM:—“(a) The Government consider that no useful purpose will be served by placing these reports on the table of the House.

“(b) The figures will not be known until the azmaish of the crops has been completed.

“(c) The question will be considered on receipt of the recommendations of the local officers.

“(d) The answer is in the negative.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I know, Sir, whether the Revenue Board Member has inspected Chittoor and other districts affected and what his recommendations are with regard to this?”

THE HON. SRI T. PRAKASAM:—“It is a fact that he inspected, but I cannot say what his recommendations are now.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“With reference to clause (b) may I ask whether the Government propose to postpone the collection of kists or give more remissions in the affected areas?”

THE HON. SRI T. PRAKASAM:—“As circumstances warrant, the matter will be decided.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I ask, whether the Government are aware of the fact that the District Collector has passed orders to the effect that the December

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kist need not be collected, but now the revenue authorities are compelling the ryots to pay the instalments for both the months in this month itself?”

THE HON. SRI T. PRAKASAM:—“The matter will be considered on the statement made by the hon. Member.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I ask whether the Government cannot give instructions to the Collector that the December kist may be postponed to the month of April?”

THE HON. SRI T. PRAKASAM:—“No undertaking can be given now.”

Certain insulting observations alleged to be made by the Sub-divisional First-class Magistrate, Puttur division, South Kanara district, on a case in which a fisherwoman was alleged to have been ill-treated.

* 159 Q.—SRI K. MADHAVA MENON on behalf of Khan Bahadur T. M. Moidu Sahib Bahadur: Will the Hon. the Minister for Law be pleased to state—

(a) whether the Government are aware of the following observations of the Subdivisional First-class Magistrate, Puttur division, South Kanara district, in his judgment in Criminal Appeal No. 21 of 1938 disposed of on 30th September 1938, viz., “It is a matter of regret that in a petty case of one man holding a fisherwoman by her blouse and another her hand for a few seconds, the learned Sub-Magistrate thought it fit to award a sentence that extended to six months’ rigorous imprisonment in the case of accused 1 and four months’ rigorous imprisonment in the case of accused 2”;

(b) whether there is any special law which provides for a lesser punishment when the person assaulted belongs to the depressed class;

(c) whether the Magistrate, while awarding punishment for crimes, is entitled to take into consideration the caste or class to which the complainant or the person on whom the crime was committed belonged; and

(d) if the answers to the above clauses are in the affirmative, whether the Government have taken any action in the matter?

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

“(b) The answer is in the negative.

“(c) The prosecution case was, in this case, rejected by the Subdivisional Magistrate on appeal. The Government have no reason to think that the Subdivisional Magistrate

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laid special stress on the fact of the person who was alleged to have been assaulted being of the fisher caste: his judgment shows that he took objection to a heavy sentence in a petty case of assault.

“(d) The question does not arise.”

SRI K. MADHAVA MENON:—“Do the Government think that a person catching hold of both hands of a fisherwoman and another person holding her by the blouse is such a petty case?”

THE HON. DR. P. SUBBARAYAN:—“I will have to cause an enquiry to be made before I can answer that question.”

SRI K. MADHAVA MENON:—“Will the Government be pleased to make an enquiry into the matter?”

THE HON. DR. P. SUBBARAYAN:—“As I said, I shall send for the records and on their receipt, I shall see what can be done.”

District Judges appointed from Subordinate Judicial Service and Indian Civil Service.

* 160 Q.—SRI D. SRIRAMAMURTI: Will the Hon. the Prime Minister be pleased to state—

(a) the number of District Judges in the Presidency promoted from the Subordinate Judicial Service; and

(b) whether any rule exists prescribing any proportion of District Judges from the Subordinate Judicial Service, and from the Indian Civil Service?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) Six.

“(b) Out of the 26 District Judgeships in this Presidency 6 are taken from the Subordinate Civil Judicial Service, and 5 by direct recruitment from the Bar and other sources. These are listed posts. The rest go to the Indian Civil Service.”

Rates of court-fees in suits of small cause nature in Agency courts and other courts in the Presidency.

* 161 Q.—SRI D. SRIRAMAMURTI: Will the Hon. the Prime Minister be pleased to state—

(a) whether in the Agency courts of East Godavari and Vizagapatam districts, court-fee in suits of small cause nature also is collected by the Agency courts exercising civil jurisdiction at a higher rate than that collected in the ordinary civil courts of the Presidency in the plains; and

(b) whether there is any proposal under the consideration of the Government to reduce the court-fees in money suits of small cause nature in the Agency courts referred to in (a)?

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THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) The rates of court-fees levied in the Agency courts are the same as those levied in the civil courts in the plains. The Government have no reason to suppose that court-fees in suits of small cause nature are levied at a higher rate in the Agency courts of East Godavari and Vizagapatam districts.

“(b) The answer is in the negative.”

Statement showing particulars about various projects for ports administered under the Indian Ports Act and the Madras Shipping and Landing Fees Act.

* 162 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Works be pleased to place before the House a statement showing the several projects costing each Rs. 1,000 and more contemplated for ports administered under the Indian Ports Act and the Madras Shipping and Landing Fees Act in the years 1938–39 and onwards, the approximate estimates of the cost of each and the income out of which the cost will be met, the balance that is expected to remain after meeting the expenditure or the deficit, and how the deficit is to be made up in the case of works in each port?

THE HON. MR. YAKUB HASAN:—“A statement^a showing the proposals for improvements to ports in 1938–39 and onwards is placed on the table.

“By the expression ‘the income out of which the cost will be met,’ the hon. Member apparently wants to know the fund head from which the expenditure will be met. The attention of the hon. Member is drawn to section 36 (5) of the Indian Ports Act, 1908, and he is informed that the cost of such of the works as satisfy the criteria laid down in that section will be met from the Minor Ports Fund and the cost of others from the Landing and Shipping Fund of the port concerned, assisted, if necessary, by a loan or free grant from the Minor Ports Fund.

“All the funds concerned have got surpluses. If the works are sanctioned for execution and if there is not enough money in any particular fund for meeting the expenditure, the question of making up the deficit will be considered on merits.”

MR. J. A. SALDANHA:—“May I enquire, Sir, what is meant by the term ‘under consideration’? I want to know how long these schemes have been under consideration and when they are likely to be sanctioned?”

THE HON. MR. YAKUB HASAN:—“Ever since we came into office, more attention has been paid to these ports than

^a Printed as Appendix on page 335 infra.

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was done before, and as a result of that, some schemes have come and they are being considered now. What I meant to say is this that further information is being asked for and correspondence is going on backward and forward, and when the question is ripe for decision it will be decided; but I can fix no time for it. All I can say is that I am not sleeping over or delaying the matter."

SRI A. RANGASWAMI AYYANGAR:—"May I know, Sir, why the proposal for the construction of a port road to the beach in the port of Adirampatnam in the Ramnad district at an estimated cost of Rs. 18,000 was postponed?"

THE HON. MR. YAKUB HASAN:—"The proposal was that there should be a road to the port of Adirampatnam. Roads are maintained by the district board and the board does not consider that that road is necessary; and we also do not consider that any fund should be spent on that road from the Ports Fund. It is not important enough for that. Therefore, for the present we have postponed it; but we have not dropped it altogether. It has been postponed so that if further material is brought before us which might justify the expenditure, or if the district board could be persuaded to undertake the work, it will be considered again. Postponement means not dropping the question altogether, but only that the consideration of it has been postponed for the present."

MR. D. M. REID:—"May I ask the Hon. Minister with reference to item No. 8 in the statement relating to the Masulipatam dry dock, what the proposed capacity is of the dry dock and how many ships it is supposed to hold?"

THE HON. MR. YAKUB HASAN:—"I have not got the information on hand."

MR. D. M. REID:—"I have no doubt the Hon. Minister will give the information later."

THE HON. MR. YAKUB HASAN:—"Yes."

MR. D. M. REID:—"The next question I would like to put is with regard to the same item No. 8. May I know, Sir, as to what is meant by 'miscellaneous improvements' to Masulipatam at a cost of 2 lakhs?"

THE HON. MR. YAKUB HASAN:—"I will give that information also to the hon. Member."

MR. D. M. REID:—"The other point is with regard to item No. 9 in the statement; i.e., dredger for dredging open sea bars. Is it the intention that the dredger shall go from port to port?"

THE HON. MR. YAKUB HASAN:—"Yes."

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MR. J. A. SALDANHA:—"May I know if the expenditure with regard to these schemes will be shown in the Budget Estimates which will be placed before the House shortly?"

THE HON. MR. YAKUB HASAN:—"No. Each port has got its own budget and that budget does not form part of our budget. It does not come into our Budget Estimates."

MR. J. A. SALDANHA:—"Will these schemes be brought for consideration and sanction by the Legislature?"

THE HON. MR. YAKUB HASAN:—"No. They will not be brought before the Legislature."

MR. J. A. SALDANHA:—"Might I ask one further question, Sir? Is it not possible to show these different schemes under the amounts which are to be credited to the Government of Madras and the Government of India—there are the Madras Act and the Government of India Act governing these things? I want to know whether it is not possible to show them respectively under the amounts credited to the Government under each of these Acts separately."

THE HON. MR. YAKUB HASAN:—"Mr. Saldanha is going into the details of the question of keeping accounts, budgeting and so on. That, I submit, does not arise out of this question."

Statement showing number of unemployed graduates and undergraduates in Ceded districts and steps taken for relieving unemployment.

* 163 Q.—SRI M. NARAYANÁ RAO: Will the Hon. the Minister for Industries and Labour be pleased

(a) to place on the table a statement showing the number of graduates and undergraduates unemployed in the year 1938, in each of the four districts of the Rayalaseema; and to state—

(b) whether the Government have taken any steps to liquidate unemployment?

THE HON. SRI V. I. MUNISWAMI PILLAI (Minister for Agriculture and Rural Development) on behalf of the Hon. Sri V. V. Giri:—" (a) The number of graduates and undergraduates unemployed in the district of Anantapur according to the census of the educated unemployed conducted in 1937 was as follows:—

Qualifications.	Number unemployed.	Qualifications.	Number unemployed.
Intermediate—		B.Sc.—	
Passed	51	Passed	3
Failed	48	Failed	1
B.A.—		B.A. (Hons.), B.Sc.	
Passed	65	(Hons.) or M.A.—	
Failed	30	Passed	1
		Failed	..

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A statement showing the area of timber forests, nature of timber grown, area of fuel forests and nature of fuel in each division under working plan in acres—*cont.*

Name of division.	Fuel forests.		Timber forests.	
	Area of fuel forests.	Nature of fuel.	Area of timber forests.	Nature of timber grown.
	(2)	(3)	(4)	(5)
(1)	ACS.		ACS.	
18 Coimbatore, North.	66,275	Miscellaneous species.	157,748	Karimarudu, Pillamarudu, vengai, thadasal and miscellaneous timbers.
19 Coimbatore, South.	20,200	Do.	38,006	Mesua, rosewood, teak, karimarudu, pillamarudu, white and red cedar and miscellaneous timbers.
20 Kollegal	22,952	Do.	14,634	Teak and miscellaneous timbers.
21 Madura	167,157	Miscellaneous species and eucalyptus.	15,766	Teak, ainee, rosewood, pinewood and miscellaneous timbers.
22 Tinnevely	50,905	Do.	13,036	Teak, mesua and miscellaneous timbers.
23 Tanjore	1,663	Miscellaneous species.	..	....
24 South Kanara ..	23,538	Do.	62,312	Hopea, teak, karimaradu, pillamarudu and miscellaneous timbers.
25 Wynaad	..	..	109,288	Teak, rosewood, mesua, karimarudu and miscellaneous timbers.
26 The Nilgiris ..	1,842	Eucalyptus and miscellaneous species.	28,999	Teak, rosewood and miscellaneous species.
27 Nilambur	..	..	40,408	Teak, rosewood, karimarudu, hopea, pali poon and miscellaneous timbers.
28 Palghat	20,092	Miscellaneous species.	51,398	Teak, rosewood, karimaradu, mesua, pali poon and miscellaneous species.

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Forest area open to grazing in each Forest division.

(Information for each district is not available.)

Name of the division.	Area open to grazing in			
	Reserved forests.		Reserved lands.	
	(2)		(3)	
(1)	SQ. MILES.	ACS.	SQ. MILES.	ACS.
1 Vizagapatam	285	182,400	84	53,760
2 Godavari, Upper	881	563,840	..	..
3 Godavari, Lower	400	256,000	47	30,080
4 Guntur	558	357,120	..	..
5 Nellore	35	22,400	..	..
6 Anantapur	378	241,920	..	..
7 Kurnool, East	874	559,360	..	..
8 Kurnool, South	714	456,960	..	..
9 Kurnool, West	823	526,720	..	..
10 Cuddapah, North	902	577,280	..	..
11 Cuddapah, South	627	401,280	1	640
12 Chittoor	466	298,240	..	..
13 Vellore, East	452	289,280	..	..
14 Vellore, West	334	213,760	..	..
15 Salem, North	518	331,520	..	..
16 Salem, Central	516	330,240	3	1,920
17 Salem, South	362	231,680	19	12,160
18 Kollegal	934	597,760	..	..
19 Coimbatore, North ..	805	515,200	1	640
20 Coimbatore, South ..	210	134,400	..	..
21 Madura	485	310,400	..	..
22 Tinnevely	179	114,560	..	..
23 Tanjore	35	22,400	1	640
24 South Kanara	787	503,680	..	..
25 Wynaad	259	165,760	..	..
26 Nilambur	..	..	..	..
27 Palghat	106	67,840	..	..
28 The Nilgiris	439	280,960	6	3,840
Total	13,364	8,552,960	162	103,680

Statement showing the quantity of timber extracted and the amount realized during the year 1937-38 in each circle.

(Information in each district is not available.)

Name of circle.	Timber.	
	Quantity in thousands of cubic feet.	Amount realized in 1937-38.
		RS.
Waltair	449	53,846
Bellary	458	52,572
Salem	141	3,017
Coimbatore	715	3,13,241
Ootacamund	1,830	10,91,081
Total for the Presidency.	3,593	15,13,757 *

* The amount realized in the year does not correspond exactly with the volumes produced, as a part of the timber extracted in 1936-37 was sold in 1937-38, and a part of the timber extracted in 1937-38 was sold only in 1938-39.

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APPENDIX II.

[Vide answer to starred question No. 148 asked by Sri D. Sriramamurti at the meeting of the Legislative Council held on the 30th January 1939, page 186 supra.]

Number of appointments.	Names of appointees.	Andhra or Non-Andhra.	Whether Non-Andhras are qualified in Telugu.
(1)	(2)	(3)	(4)
	<i>(a) Colleges.</i>		
8	Sri T. Suryanarayana, Principal, Government Arts College, Rajahmundry.	Andhra ..	....
	Sri K. C. Subrahmanya Ayyar, Principal, Training College, Rajahmundry.	Non-Andhra.	....
	Mr. P. V. Alexander, Lecturer in English, Government Arts College, Rajahmundry.	Do.	....
	Sri C. D. Subrahmanya Chetti, Principal, Ceded Districts College, Anantapur.	Do.	Knows well. Telugu
	Sri P. B. Patnaik, Lecturer in Mathematics, Ceded Districts College, Anantapur.	Andhra ..	....
	Dr. M. Karamchand, Lecturer in English, Ceded Districts College, Anantapur.	Punjabi ..	....
	Sri P. Narayana Gowd, Lecturer in Chemistry, Ceded Districts College, Anantapur.	Andhra ..	....
	Sri S. Ganapathisubrahmanyam, Lecturer in Physics, Ceded Districts College, Anantapur.	Non-Andhra.	....
	<i>(b) Inspectorate.</i>		
8	Muhammad Abdul Ali Sahib Bahadur, District Educational Officer, Vizagapatam.	Andhra ..	....
	Sri Damodara Mudaliyar, District Educational Officer, Kistna.	Non-Andhra.	Knows well. Telugu
	Sri M. R. Subrahmanya Ayyar, District Educational Officer, West Godavari.	Do.	Knows and has passed the Telugu tests. Telugu
	Sri D. Ramayya, District Educational Officer, Kistna.	Andhra ..	....
	Sri K. P. Govinda Menon, District Educational Officer, Vizagapatam.	Non-Andhra.	....
	Sri C. Raghunatha Ayyangar, District Educational Officer, Guntur.	Do.	Knows well and has passed the Telugu tests. Telugu
	Sri S. Murugesu Mudaliyar, District Educational Officer, Kurnool.	Do.	....
	Sri P. Raghavachari, District Educational Officer, Chittoor.	Do.	(Chittoor is bi-lingual.)

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APPENDIX III.

[Vide answer to starred question No. 149 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 30th January 1939, page 187 supra.]

Resolutions passed at the Conference of Ministers of Industries held in Delhi on the 2nd and 3rd October 1938 under the Chairmanship of Sjt. Subash Chandra Bose, President of the Indian National Congress.

(1) This Conference of the Ministers of Industries is of the opinion that the problems of poverty and unemployment, of national defence and of the economic regeneration in general cannot be solved without industrialization. As a step towards such industrialization, a comprehensive scheme of national planning should be formulated. This scheme should provide for the development of heavy key industries, medium scale industries and cottage industries, keeping in view our national requirements, the resources of the country, as also the peculiar circumstances prevailing in the country.

The scheme should provide for the establishment of new industries of all classes and also for the development of the existing ones.

Large-scale Industries.

(2) This Conference, having considered the views of several Provincial Governments, is of the opinion that pending the submission and consideration of a comprehensive industrial plan for the whole of India, steps should be taken to start the following large-scale industries of national importance on an all-India basis and the efforts of all Provinces and Indian States, should as far as possible, be co-ordinated to that end:—

- Manufacture of machinery and plant and tools of all kinds.
- Manufacture of automobiles, motor boats, etc., and their accessories and other industries connected with transport and communication.
- Manufacture of electrical plant and accessories.
- Manufacture of heavy chemicals and fertilizers.
- Metal production.
- Industries connected with power generation and power supply.

Planning Committee.

(3) With a view to doing preliminary work for giving effect to the resolutions (1) and (2), this Conference appoints a Planning Committee, the personnel of which will be announced later by the Congress President.

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To enable this Committee to commence work forthwith, the different Provincial Governments are requested to make suitable financial contributions. The Committee will submit its report to the Congress Working Committee and to the All-India National Planning Commission provided for hereafter within four months of the commencement of its sitting.

(4) This Conference is further of opinion that a Commission, fully representative of all-India, including the British Indian Provinces and the Indian States, should be appointed for the purpose of giving effect to resolutions (1) and (2) after due consideration of the recommendations of the Planning Committee. The Commission to be called the All-India National Planning Commission, shall consist of the following members with powers to co-opt—

- (a) One nominee of the Government of each Province or State co-operating in this work.
- (b) Four representatives of the Federation of Indian Chambers of Commerce.
- (c) A representative of the All-India Village Industries Association.
- (d) All members of the Planning Committee mentioned in Resolution No. (3).

Expert Advisers.

The Planning Committee and the All-India National Planning Commission shall have a paid non-member Secretary with the necessary staff. The Commission shall, at its first meeting, frame rules for its own procedure.

The Commission may appoint a sub-committee or sub-committees of experts to report to it on technical or financial aspects of any industry under consideration and may, for expert investigation, employ suitable technicians.

The Commission shall submit interim reports on each industry by definite dates to be fixed by the Commission at its first meeting.

First Meeting.

The first meeting of the All-India National Planning Commission shall be presided over by the President of the Indian National Congress. At that meeting the Commission shall elect its own Chairman, who if not already a member of the Commission, shall, ex officio, become a member of that body.

The Commission shall, in its report, formulate complete schemes including recommendations on the following points:—

- (a) Place or places where a particular industry shall be established with due regard to all relevant circumstances, such as the supply of raw materials, natural and local advantages, facilities, etc.

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- (b) Method of organization of industry, whether it should be under complete State control or under private enterprise and, in the latter case, the mode of State aid.
- (c) The method of financing the industry and its management.

Each co-operating Province and State shall make an initial financial contribution to the Commission to meet all necessary expenditure.

As soon as the All-India National Planning Commission comes into existence, the Planning Committee provided for in Resolution No. (3) will be absorbed in the Commission and will place before the Commission all the facts, materials, reports, etc., collected or drawn up by it.

Mr. V. V. Giri, Minister of Industries, Madras, will take the necessary steps in bringing into existence the All-India National Planning Commission and will also convene the first meeting of the Commission.

Power Alcohol.

(5) This Conference is of opinion that it is of national importance that industrial and power alcohol should be manufactured in India and the necessary raw material, chiefly molasses, now available in India in huge quantities which is at present being wasted, should be fully utilized. This Conference has heard with satisfaction that the Governments of the Provinces of United Provinces and Bihar, Bombay and Madras have schemes for the manufacture of power and industrial alcohol under their consideration. This Conference is of opinion that all the Provinces and States should fully co-operate and assist in the establishment and development of such an industry on an all-India scale, and to that end this Conference strongly recommends that necessary legislation should be enacted throughout India, to make illegal the sale of petrol unmixed with power alcohol for purposes of automobile fuel.

Automobile Industry.

(6) This Conference resolves that all the Provincial Governments and Indian States should co-operate with and assist one another in matters of marketing, industrial research, compilation and distribution of commercial and industrial intelligence, expert advice and technical and vocational education.

(7) This Conference favours the automobile project placed before it and recommends that the Planning Committee should examine the whole scheme in all its details and make its recommendations to the National Planning Commission.

THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 31st January 1939.

The House met in the Banqueting Hall, Government House, Mount Road, at eleven of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Separate schools run by the Labour department in Malabar for scheduled classes.

* 154 Q.—SRI K. MADHAVA MENON: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government have received any representation from Malabar that the separate schools for scheduled classes need no longer be continued except in the most backward areas for the benefit of the aboriginal or hill tribes and that the funds of the Labour department be utilized for the supply of slates, books, dress, etc., to all the scheduled class pupils attending the elementary schools in the district;

(b) whether the Government have received any representation from Malabar that the post of the District Labour Officer be made honorary;

(c) whether it is a fact that an honorary Labour Officer was at one time in charge of the Labour department in Malabar; and

(d) whether it is a fact that the Labour department in Malabar has not so far included in its work the programme of encouraging mixed education of the scheduled class pupils in the common schools?

THE HON. SRI V. I. MUNISWAMI PILLAI (Minister for Agriculture and Rural Development) on behalf of the Hon. Sri V. V. Giri:—“(a), (b) & (c) The answer is in the affirmative.

“(d) The answer is in the negative.”

SRI K. MADHAVA MENON:—“May I ask, Sir, what is the necessity to retain the labour school where there is a district board or aided school or both within a radius of half a mile where Harijans are freely admitted now?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“The policy of the department is to see that as far as possible scheduled caste pupils are admitted into the schools that are already existing and to open new schools where the existing schools are not accessible to them.”

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SRI K. MADHAVA MENON:—“ May I ask with regard to clause (c) whether the work done by the honorary Labour Officer and that done by the present paid Labour Officer are the same? ”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“ It may be different. At one time it was found that an honorary Labour Officer was enough for doing the work, but as the activities of the Labour department have been greatly extended now, it is not possible to have an honorary officer to carry on the duties.”

Acquisition of lands for house-sites for scheduled classes in Malabar.

* 155 Q.—SRI K. MADHAVA MENON: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether it is a fact that under the existing regulations the Labour department cannot acquire lands for the purpose of house-sites to the scheduled classes in Malabar;

(b) if so, whether the district authorities have brought the legal difficulty to the notice of the Government; and

(c) whether the Government now propose to remove the legal difficulty in the matter?

THE HON. SRI V. I. MUNISWAMI PILLAI (Minister for Agriculture and Rural Development) on behalf of the Hon. Sri V. V. Giri:—“ (a) There is no such prohibition.

“ (b) & (c) Do not arise.”

Acquisition of land for the Headquarters Hospital building at Calicut.

* 156 Q.—SRI K. MADHAVA MENON: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether proceedings for acquisition of lands have been started for a new building for the Headquarters Hospital at Calicut; if so, at what stage it is now;

(b) whether the scheme for water-supply in the Calicut Municipality has been taken up; if so, at what stage it is now; and

(c) whether the scheme for drainage for the Calicut Municipality has been taken up; if so, at what stage it is now?

THE HON. DR. T. S. S. RAJAN:—“ (a) Draft notification under section 4 (1) of the Land Acquisition Act has been published. Draft notification under section 6 of the Act is awaited from the Collector of Malabar.

“ (b) The Chief Engineer, Public Works Department (General, Buildings and Roads), has reported that tenders for the infiltration wells and suction wells have been received and that an

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indent for the supply of pipes had been placed with the Indian Stores Department. Notifications under section 4 (1) of the Land Acquisition Act have been issued for the lands required for the headworks. The selection of the sites for location of infiltration wells is under consideration.

“ (c) The investigation of the drainage scheme is in progress.”

SRI K. MADHAVA MENON:—“ May I know, Sir, whether the Hon. Minister is aware that the department is not able to spend the entire amount budgeted this year? ”

THE HON. DR. T. S. S. RAJAN:—“ The Government are not aware of it, but it is just possible that they are not able to spend it. It happens in very many cases where works are not completed.”

Communitywar list of persons imprisoned in connexion with anti-Hindi agitation.

* 157 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR on behalf of Sri Diwan Bahadur R. Srinivasan: Will the Hon. the Prime Minister be pleased to state the number of men and women among the (1) Hindus, (2) Muslims, (3) Indian Christians and (4) Scheduled Castes who were imprisoned in the matter of anti-Hindi agitation since the introduction of Hindi in schools in this Province up to the 30th November 1938?

THE HON. SRI C. RAJAGOPALACHARIAR:—“ The figures up to 30th November 1938 analysed as far as possible are as follows:—

			Hindus (other than Scheduled Castes).	Muslims.	Indian Christians.	Scheduled Castes.
Men	..	..	305	36	6	36
Women	..	..	17	..	..	..”

SRI K. MADHAVA MENON:—“ May I ask whether the persons who are recruiting people for this picketing campaign are making special appeals to people suffering from bad maladies to come as volunteers for this purpose saying that they would get good treatment in the jail hospitals? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ I hope it is not true, Sir.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“ May I know whether people are really recruiting persons for this purpose? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ That is a fairly strong presumption, Sir, under the circumstances.”

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SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“Have they got any evidence to that effect, Sir?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I cannot produce it here, Sir.”

Failure of crops in the districts of Chittoor, North and South Arcot, Nellore and the Ceded districts and relief measures taken.

* 158 Q.—SRI RAO BAHADUR M. RAMAKRISHNA REDDI:
Will the Hon. the Minister for Revenue be pleased—

(a) to place before the House the reports of Collectors of the districts of Chittoor, North Arcot, South Arcot, Nellore and the Ceded districts regarding the failure of crops by reason of the failure of the monsoon; and to state

(b) the extent of failure of the several crops in the said districts on account of failure of rains;

(c) the measures adopted or proposed to be adopted for the relief of the people that suffered thereby; and

(d) whether the Government have sanctioned any additional staff for the detailed investigation of the loss caused thereby?

THE HON. SRI T. PRAKASAM:—“(a) The Government consider that no useful purpose will be served by placing these reports on the table of the House.

“(b) The figures will not be known until the azmaish of the crops has been completed.

“(c) The question will be considered on receipt of the recommendations of the local officers.

“(d) The answer is in the negative.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I know, Sir, whether the Revenue Board Member has inspected Chittoor and other districts affected and what his recommendations are with regard to this?”

THE HON. SRI T. PRAKASAM:—“It is a fact that he inspected, but I cannot say what his recommendations are now.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“With reference to clause (b) may I ask whether the Government propose to postpone the collection of kists or give more remissions in the affected areas?”

THE HON. SRI T. PRAKASAM:—“As circumstances warrant, the matter will be decided.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I ask, whether the Government are aware of the fact that the District Collector has passed orders to the effect that the December

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kist need not be collected, but now the revenue authorities are compelling the ryots to pay the instalments for both the months in this month itself?”

THE HON. SRI T. PRAKASAM:—“The matter will be considered on the statement made by the hon. Member.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I ask whether the Government cannot give instructions to the Collector that the December kist may be postponed to the month of April?”

THE HON. SRI T. PRAKASAM:—“No undertaking can be given now.”

Certain insulting observations alleged to be made by the Sub-divisional First-class Magistrate, Puttur division, South Kanara district, on a case in which a fisherwoman was alleged to have been ill-treated.

* 159 Q.—SRI K. MADHAVA MENON on behalf of Khan Bahadur T. M. Moidu Sahib Bahadur: Will the Hon. the Minister for Law be pleased to state—

(a) whether the Government are aware of the following observations of the Subdivisional First-class Magistrate, Puttur division, South Kanara district, in his judgment in Criminal Appeal No. 21 of 1938 disposed of on 30th September 1938, viz., “It is a matter of regret that in a petty case of one man holding a fisherwoman by her blouse and another her hand for a few seconds, the learned Sub-Magistrate thought it fit to award a sentence that extended to six months’ rigorous imprisonment in the case of accused 1 and four months’ rigorous imprisonment in the case of accused 2”;

(b) whether there is any special law which provides for a lesser punishment when the person assaulted belongs to the depressed class;

(c) whether the Magistrate, while awarding punishment for crimes, is entitled to take into consideration the caste or class to which the complainant or the person on whom the crime was committed belonged; and

(d) if the answers to the above clauses are in the affirmative, whether the Government have taken any action in the matter?

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

“(b) The answer is in the negative.

“(c) The prosecution case was, in this case, rejected by the Subdivisional Magistrate on appeal. The Government have no reason to think that the Subdivisional Magistrate

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laid special stress on the fact of the person who was alleged to have been assaulted being of the fisher caste: his judgment shows that he took objection to a heavy sentence in a petty case of assault.

“(d) The question does not arise.”

SRI K. MADHAVA MENON:—“Do the Government think that a person catching hold of both hands of a fisherwoman and another person holding her by the blouse is such a petty case?”

THE HON. DR. P. SUBBARAYAN:—“I will have to cause an enquiry to be made before I can answer that question.”

SRI K. MADHAVA MENON:—“Will the Government be pleased to make an enquiry into the matter?”

THE HON. DR. P. SUBBARAYAN:—“As I said, I shall send for the records and on their receipt, I shall see what can be done.”

District Judges appointed from Subordinate Judicial Service and Indian Civil Service.

* 160 Q.—SRI D. SRIRAMAMURTI: Will the Hon. the Prime Minister be pleased to state—

(a) the number of District Judges in the Presidency promoted from the Subordinate Judicial Service; and

(b) whether any rule exists prescribing any proportion of District Judges from the Subordinate Judicial Service, and from the Indian Civil Service?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) Six.

“(b) Out of the 26 District Judgeships in this Presidency 6 are taken from the Subordinate Civil Judicial Service, and 5 by direct recruitment from the Bar and other sources. These are listed posts. The rest go to the Indian Civil Service.”

Rates of court-fees in suits of small cause nature in Agency courts and other courts in the Presidency.

* 161 Q.—SRI D. SRIRAMAMURTI: Will the Hon. the Prime Minister be pleased to state—

(a) whether in the Agency courts of East Godavari and Vizagapatam districts, court-fee in suits of small cause nature also is collected by the Agency courts exercising civil jurisdiction at a higher rate than that collected in the ordinary civil courts of the Presidency in the plains; and

(b) whether there is any proposal under the consideration of the Government to reduce the court-fees in money suits of small cause nature in the Agency courts referred to in (a)?

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THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) The rates of court-fees levied in the Agency courts are the same as those levied in the civil courts in the plains. The Government have no reason to suppose that court-fees in suits of small cause nature are levied at a higher rate in the Agency courts of East Godavari and Vizagapatam districts.

“(b) The answer is in the negative.”

Statement showing particulars about various projects for ports administered under the Indian Ports Act and the Madras Shipping and Landing Fees Act.

* 162 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Works be pleased to place before the House a statement showing the several projects costing each Rs. 1,000 and more contemplated for ports administered under the Indian Ports Act and the Madras Shipping and Landing Fees Act in the years 1938–39 and onwards, the approximate estimates of the cost of each and the income out of which the cost will be met, the balance that is expected to remain after meeting the expenditure or the deficit, and how the deficit is to be made up in the case of works in each port?

THE HON. MR. YAKUB HASAN:—“A statement * showing the proposals for improvements to ports in 1938–39 and onwards is placed on the table.

“By the expression ‘the income out of which the cost will be met,’ the hon. Member apparently wants to know the fund head from which the expenditure will be met. The attention of the hon. Member is drawn to section 36 (5) of the Indian Ports Act, 1908, and he is informed that the cost of such of the works as satisfy the criteria laid down in that section will be met from the Minor Ports Fund and the cost of others from the Landing and Shipping Fund of the port concerned, assisted, if necessary, by a loan or free grant from the Minor Ports Fund.

“All the funds concerned have got surpluses. If the works are sanctioned for execution and if there is not enough money in any particular fund for meeting the expenditure, the question of making up the deficit will be considered on merits.”

MR. J. A. SALDANHA:—“May I enquire, Sir, what is meant by the term ‘under consideration’? I want to know how long these schemes have been under consideration and when they are likely to be sanctioned?”

THE HON. MR. YAKUB HASAN:—“Ever since we came into office, more attention has been paid to these ports than

* Printed as Appendix on page 335 infra.

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was done before, and as a result of that, some schemes have come and they are being considered now. What I meant to say is this that further information is being asked for and correspondence is going on backward and forward, and when the question is ripe for decision it will be decided; but I can fix no time for it. All I can say is that I am not sleeping over or delaying the matter."

SRI A. RANGASWAMI AYYANGAR:—" May I know, Sir, why the proposal for the construction of a port road to the beach in the port of Adirampatnam in the Ramnad district at an estimated cost of Rs. 18,000 was postponed? "

THE HON. MR. YAKUB HASAN:—" The proposal was that there should be a road to the port of Adirampatnam. Roads are maintained by the district board and the board does not consider that that road is necessary; and we also do not consider that any fund should be spent on that road from the Ports Fund. It is not important enough for that. Therefore, for the present we have postponed it; but we have not dropped it altogether. It has been postponed so that if further material is brought before us which might justify the expenditure, or if the district board could be persuaded to undertake the work, it will be considered again. Postponement means not dropping the question altogether, but only that the consideration of it has been postponed for the present."

MR. D. M. REID:—" May I ask the Hon. Minister with reference to item No. 8 in the statement relating to the Masulipatam dry dock, what the proposed capacity is of the dry dock and how many ships it is supposed to hold? "

THE HON. MR. YAKUB HASAN:—" I have not got the information on hand."

MR. D. M. REID:—" I have no doubt the Hon. Minister will give the information later."

THE HON. MR. YAKUB HASAN:—" Yes."

MR. D. M. REID:—" The next question I would like to put is with regard to the same item No. 8. May I know, Sir, as to what is meant by 'miscellaneous improvements' to Masulipatam at a cost of 2 lakhs? "

THE HON. MR. YAKUB HASAN:—" I will give that information also to the hon. Member."

MR. D. M. REID:—" The other point is with regard to item No. 9 in the statement; i.e., dredger for dredging open sea bars. Is it the intention that the dredger shall go from port to port? "

THE HON. MR. YAKUB HASAN:—" Yes."

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MR. J. A. SALDANHA:—" May I know if the expenditure with regard to these schemes will be shown in the Budget Estimates which will be placed before the House shortly? "

THE HON. MR. YAKUB HASAN:—" No. Each port has got its own budget and that budget does not form part of our budget. It does not come into our Budget Estimates."

MR. J. A. SALDANHA:—" Will these schemes be brought for consideration and sanction by the Legislature? "

THE HON. MR. YAKUB HASAN:—" No. They will not be brought before the Legislature."

MR. J. A. SALDANHA:—" Might I ask one further question, Sir? Is it not possible to show these different schemes under the amounts which are to be credited to the Government of Madras and the Government of India—there are the Madras Act and the Government of India Act governing these things? I want to know whether it is not possible to show them respectively under the amounts credited to the Government under each of these Acts separately."

THE HON. MR. YAKUB HASAN:—" Mr. Saldanha is going into the details of the question of keeping accounts, budgeting and so on. That, I submit, does not arise out of this question."

Statement showing number of unemployed graduates and undergraduates in Ceded districts and steps taken for relieving unemployment.

* 163 Q.—SRI M. NARAYANĀ RAO: Will the Hon. the Minister for Industries and Labour be pleased

(a) to place on the table a statement showing the number of graduates and undergraduates unemployed in the year 1938, in each of the four districts of the Rayalaseema; and to state—

(b) whether the Government have taken any steps to liquidate unemployment?

THE HON. SRI V. I. MUNISWAMI PILLAI (Minister for Agriculture and Rural Development) on behalf of the Hon. Sri V. V. Giri:—" (a) The number of graduates and undergraduates unemployed in the district of Anantapur according to the census of the educated unemployed conducted in 1937 was as follows:—

Qualifications.	Number unemployed.	Qualifications.	Number unemployed.
Intermediate—		B.Sc.—	
Passed	51	Passed	3
Failed	48	Failed	1
B.A.—		B.A. (Hons.), B.Sc.	
Passed	65	(Hons.) or M.A.—	
Failed	30	Passed	1
		Failed	..

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“ The Government have no information in respect of the other three districts.

“ (b) Certain proposals for the relief of the educated unemployed are under the consideration of the Government.”

Status of pandits in Government colleges.

* 164 Q.—SRI M. NARAYANA RAO: Will the Hon. the Minister for Education be pleased to state—

(a) what the various grades of service of pandits, and their scale of pay are in Government colleges;

(b) whether they are placed on the same status as lecturers and assistant lecturers; if not, the reason for the difference; and

(c) whether there are any proposals before the Government to place pandits on the same status as the lecturers and assistant lecturers?

THE HON. SRI C. J. VARKEY:—“(a) The scales of pay are as shown below:—

In I grade colleges—Rs. 65—5/2—80 with two posts in the Presidency College on Rs. 80—10/2—100.

In II grade colleges—Rs. 45—5/2—60.

“(b) No. Scales of pay are fixed with reference to the qualifications of, and the nature of work performed by, the different classes of teachers.

“(c) The answer is in the negative.”

Alleged fatal assault by caste-Hindus on an Adi-Dravida in a village near Karaikudi.

* 165 Q.—SRI DIWAN BAHADUR R. SRINIVASAN: With reference to the reply given on the 6th September 1937 to my question No. 43 regarding the fatal assault by caste-Hindus on an Adi-Dravida, in Visalankottai village near Karaikudi, will the Hon. the Prime Minister be pleased to state the result of the case which it was stated was under prosecution?

THE HON. SRI C. RAJAGOPALACHARIAR:—“The Sessions Judge of Ramnad, having held that the evidence was not enough to find the accused persons guilty of the charges brought against them, delivered judgment on 6th December 1937 acquitting them. The judgment was placed on the table of the Legislative Assembly last year. The Government gave a compassionate grant of Rs. 100 to the widow of the deceased in July last.”

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Proposal, if any, to use the police for political propaganda.

* 166 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether his attention has been drawn to the sub-editorial article published on page 8 of the *Madras Mail*, dated the 28th December 1938, under the heading “Political Police”; and

(b) whether the Government propose to use the police officers for the purpose of political information or propaganda?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) I have now seen it.

“(b) The answer is in the negative.”

Import of foreign rice in the Province.

* 167 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether his attention has been drawn to the news published on page 2 of the *Indian Express*, dated the 19th and 21st January 1939, under the headings “Rice Imports into Madras” and “Rice from Saigon” respectively; and

(b) whether any, and if so, what action the Government propose to take to prohibit the import of foreign rice?

THE HON. SRI V. I. MUNISWAMI PILLAI (Minister for Agriculture and Rural Development) on behalf of the Hon. Sri V. V. Giri:—“(a) The answer is in the affirmative.

“(b) This is a matter entirely within the province of the Government of India.”

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

II.—REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE—*cont.*

* THE HON. SRI T. PRAKASAM:—“I should like to add a few words to what I said yesterday. I was dealing with the portion of the land revenue that was given to the landholder in return for the services which he undertook to perform in the matter of collection. I was submitting that the land revenue was fixed on the cultivated land. I submitted also the whole process that was laid down for working out the figures on the cultivated lands. It was not only one-third of the land revenue that was fixed, permanently and unalterably, that was assigned to the landholder for the collection work undertaken by him, but in addition to that he was given the right to collect rent or land revenue on the waste lands that might thereafter be brought under cultivation and appropriate the same as an additional consideration.

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for his services without making himself liable to pay to the Government a proportionate share as peshkash. It will be seen therefore, that one-third of the land revenue plus the rent or revenue that the landlord would be collecting on uncultivated lands, which were called waste lands, as he developed them by admitting ryots on special terms, were the amounts that were allowed to the landlord. There is a little difference between the consideration of one-third of the land revenue allowed on the cultivated lands and this extra rent or revenue that he was allowed to take on the waste lands. That difference lies in this. Land being waste, the ryots would not be ready to pay as much as they pay on the cultivated lands, because they have to reclaim the land, bring it under cultivation and spend labour and money in the process. For all these reasons, it was expected that the waste lands would be given on favourable terms to the ryots. Therefore, some special provision was made at that time with regard to them. The landholder was given the right to give the land to the ryots for a small rent or revenue, and to increase it as the land developed or decrease it as it deteriorated. But a limit was put to the rent even there. The landholder was not allowed to enhance the rent as he pleased. On the contrary, he was told that the rent was fixed at the time of the Permanent Settlement on cultivated lands irreversibly and that he should not exceed that limit even in regard to the waste lands. That was the condition imposed and within that limit, he was free to enter into agreements with the persons who were admitted and to take a lower or a higher amount. It must be strictly within that amount fixed.

"When this was the case, it was taken advantage of and contended in the past, even at the time of the Estates Land Act, that so far as the waste lands were concerned, the landholder was the absolute proprietor and that landholder was the landlord. May I submit to the House one word to explain the difference between the landholder and the ryot on the one hand and the landlord and the tenant on the other? They are quite different from each other. The landlord claims the ownership himself. He enters into agreement with others, who are his tenants—and the agreement is called the lease—and dictates his own terms both with regard to the amount to be paid and with regard to the period; and at the end of the term, the tenant will have to surrender it as is the case with regard to the building leases in the City of Madras. The vital difference is this: In this case the landlord claims to be the owner of the soil and at the end of the term he can take back the land and he is at liberty to increase or decrease the rent as he pleases. But in the case of the landholder and the ryot, the relationship is distinctly the reverse of this. He has no ownership of the soil and he cannot claim the right to eject the ryot at the end of the period. The ryot holds

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the land in his own right and he claims the right to the soil. The only obligation imposed on him is that he should pay the land revenue that was fixed at the time of the Permanent Settlement in perpetuity. Subject to that condition he is the owner and he is the freeholder of the land that he holds. The landholder's position is that he has only the proprietary right similar to the one which the Government had and has. He has the right to revenue; he has the right to collect that amount, pay a portion of it to Government as peshkash and take the balance as consideration for his work. That is the difference. 11-30 a.m.

"So this right was set up at the time of the Estates Land Act Bill; and this matter was discussed by the Hon. Mr. Forbes. The claim set up by the landholder with regard to the waste land as absolutely belonging to him and the right to enhance that rate was examined by the Hon. Mr. Forbes. He referred to a report sent up to the Government of India on this question and the reply given by the Government of India with special reference to what had happened in Bengal on this matter. So it was declared that the landholder cannot claim a landlord's interest in the land; he cannot claim the right to enhance the rent as he pleased. He is bound by the rate fixed at the time of the Permanent Settlement; he shall not exceed that limit even with regard to waste land; he is not free to convert the waste land into his own private land by getting it cultivated by his own people at his own cost. These rules were laid down; and these are acknowledged rules.

"But to-day the landholder is claiming right in the soil both in the cultivated land and also in the waste land. I am submitting this because there is some confusion that has arisen on account of the special rule laid down with regard to cultivation of the waste lands. Mutual agreement or an agreement for enhancing rent can be entered only with regard to waste land subject to the limit fixed there; if a waste land is given for Rs. 5 per acre to-day to enable the ryot to cultivate it without much trouble and bring it under cultivation, next year if it is developed and if it yields more, he can claim a higher share of the produce. That was the facility or rather that was the option given to the landholder. This is being confused and confounded with reference to rates and rents that were permanently and unalterably fixed at the time of the Permanent Settlement. That is why I wanted to make this position clear.

"The next point I wanted to refer to briefly is in connexion with the right claimed by the landholder to levy higher rates on cropwar basis or on the basis of rise in prices. Yesterday, I submitted sufficiently on the question of the right to claim enhancement on the ground of rise in prices. With regard to enhancement on cropwar basis I submit it is not valid, it is not just and proper, it is not consistent with the arrangement made.

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at the time of the Permanent Settlement. In clause 39 of the Instructions given to the Collectors it was expressly laid down that the tax levied was on the land and not on the crop and that the tax was fixed in perpetuity; the object was to give liberty to the ryot to produce enough from the land, pay the tax, then leave enough margin for protection of his family and over that to produce sufficient quantity to promote the manufacture, industry and agriculture of the country. It is because of this object, in clause 8 of the Instructions to Collectors it was stated that the whole object of the Permanent Settlement was to emancipate the ryots who were oppressed until then. Therefore, the landholder is not entitled to claim enhancement on the basis of cropwar rates. The landholder is entitled to a claim upon his ryot when he produces a crop which would leave him sufficient quantity for his own family and also for promoting the manufacture, industry and agriculture of the country. This right, I have submitted, was given as the basis in the Instructions given to the Collectors, which are printed in the Appendices. They formed practically the basis for the Permanent Settlement Regulations—Regulations XXV, XXX, XXIX, XXXI, in all seven Regulations that were passed on one and the same day of 13th July 1802. All the Regulations were based on that footing. Section 14 of the Permanent Settlement Regulation XXV says that the rent should be defined, and provides that the amounts should be determined permanently and unalterably, the extent of the land should be specified and then that receipts should be given showing these two things in each one of the receipts. There are various other authorities contained in that Appendices volume, which I take it hon. Members have in their hands. Without taking them into the whole series of those sections I would just mention that the same rule was embodied in sections 11 and 187 of the Estates Land Act. Section 11 of the Estates Land Act runs thus:

‘A ryot may use the land in his holding in any manner which does not materially impair the value of the land or render it unfit for agricultural purposes.’

“I urge the attention of hon. Members to the words ‘may use the land in his holding in any manner which does not materially impair the value of the land.’ Thus no restriction was put upon him stating that if he produces more, a share must be given to the landholder. Section 187 (1) (b) of the Estates Land Act runs thus:

‘(1) Nothing in any contract between a landholder and a ryot made before or after the passing of this Act—

(b) shall take away or limit the right of a ryot to use the land as provided by section 11.’

“So the tax was on the land and not on the crop or produce. If enhancement of rent either by way of a division in the crops

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or in cash had been levied; they are all unlawful and illegal. They cannot be quoted as constituting a custom valid and binding upon these ryots. The latest provisions of the Estates Land Act also made the position clear. The earliest, clause 39 of the Instructions given to the Collectors also made the position clear; the Regulations themselves made it clear. But in spite of this, the zamindars had been going on enhancing rent, taking a share or compelling the ryots to pay—all these things are not valid and binding.

“One other matter I would like to refer, Sir, briefly and it is this. At the time of the Permanent Settlement, what happened? A general survey was made according to the standard of measure that was then prevalent. Rents were ascertained, and prices also were fixed. The fact that prices were fixed is clear not only from the passages of the Fifth Report, but also from Regulation XXIX of 1802. It is the Karnams’ Regulation. The Preamble of the Karnams’ Regulation is as important as the Preamble of the Patta Regulation and the Permanent Settlement Regulation of the same date. The Preamble of the Karnams’ Regulation states ‘now that everything is being fixed permanently and unalterably we do not want or require to maintain the revenue establishment in the same manner in which we have been maintaining until then.’ They had been maintaining a very heavy revenue establishment, because according to the complaint of the East India Company, they were being defrauded by the landholders, who were not rendering them proper account, and the ryots were being defrauded by the landholders, because they were called upon to pay whatever was demanded, as everything was fluctuating and varying. Having passed the Permanent Settlement Regulation, they said, ‘Now that fluctuation and variation have been abolished, as we have now fixed the tenure in perpetuity, we have fixed the rent in perpetuity, we do not want so much of this revenue establishment. We shall discharge all these officers. But we would like to maintain these village karnams.’ Village karnam is the accountant of the village. His work is very limited now, because everything is fixed, what it should be hereafter; he has to keep a record of rights, maintain a register in which he should enter the extent of the land cultivated by each man, the yield of each year and then the prices; for prices, stipulation is made there in the Karnams’ Regulation; that he shall maintain a monthly list. All this was done with a view to enabling the presiding officer in the case of a dispute between a landholder and the ryot to call this karnam to produce these accounts and find out what the rate of rent was according to his entries in the books as entered at the time in 1801 and to fix that as the proper rent. That was the direction given under section 9 of the Patta Regulation as I submitted yesterday. It only helped the presiding officer to enable him to arrive at the

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correct figure. The karnam was charged with that duty and he was made independent; he was not a servant of the zamindar or the ryot or even the Government; even the Collector can call him only for purposes of ascertaining the assessments that were prevailing. It was noted there that the Collector should not call the karnam to produce these accounts for other purposes and a fine was prescribed against the Collector himself, if he should abuse his power in the matter of using these accounts.

“Therefore, it is clear now that the rents were fixed and records were maintained and all facilities were provided for ascertaining these whenever there was a dispute. When this was done, what was it that was fixed as the rent? That is one other point which I am referring. Rent before that date was paid generally in kind; because, there was not sufficient coin in currency, nor even the currency notes—until 1860 the Currency Act did not come. The coins that were in vogue during the Moghul period and the Hindu period, had been changed after the English settled themselves here. Therefore, even the Government had to take land revenue in kind before 1802. In 1802 when they decided upon the Permanent Settlement, a survey was effected according to the then standard of measurement, as I stated already, and then the prices were fixed; the extent was fixed not only with regard to the money rates that had been prevailing in some areas before 1802, but also with regard to grain rents. The grain rents also were fixed not merely on taking the grain rent that was in force in the year 1801, a single year; but working out the average they arrived at the figure in the same manner in which they arrived at it with regard to the money rent. Grain rents were fixed permanently and unalterably. Money rents were fixed permanently and unalterably. In most cases money rents came in and in some places grain rents continued and most grain rents were converted into cash. Now, there is at least one estate and there are some portions in other estates where this system still prevails.

“The question has been raised about commutation of prices. The recommendations made by the Committee have dealt with this question, and they have arrived at the conclusion that, because the grain rent and the money rent had been fixed at the same time and on the same basis when they were made permanent and unalterable and the prices had been fixed at that time, even if the grain rent should be continuing to-day in some estates this commutation—because the commutation took place according to the prices registered by the karnam in 1802—should be made on the basis of the prices that prevailed in the year 1802 and not according to prices that are prevailing to-day. That is the point submitted. I am stating this so that the hon. Members who would be speaking on this, who may have had doubts in this

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matter may have some information on this matter. The object of fixing these grain rents permanently and unalterably was to give protection to the ryot when the question of commutation arises. It was with that object that it was settled, for there had been no price settlement at that time. We could argue that way. Sir, we shall take now, the district of Vizagapatam. At the end of the Appendices volume we have given from the original accounts, details that could be gathered with regard to the estates in the Vizagapatam district. The Vizagapatam district, Sir, pays nearly one-fourth of the total peshkash that is paid by all the estates in the whole Presidency. About 46 lakhs or so is being paid as peshkash by the 1,659 estates in the Presidency. Out of this amount a little over 11 lakhs is paid by the estates in the Vizagapatam district alone. So far as the Vizagapatam district is concerned we have given copy of certain accounts, called the ‘Goshpara’ accounts, or village accounts that are available even to-day. They are in fact in the possession of Government officers. They are in bound volumes and the details are given; every detail is given. The zamindari village accounts were not kept separate in those days. The same ‘Goshpara’ accounts dealt with the Government lands as well as the estate lands as the books were maintained then. Coming to the East Godavari district again, the next important district there are ‘Goshpara’ accounts bound in volumes which give all the details. Four districts, viz., Northern Circars alone pay more than half of the total peshkash which landholders, the 1,659 landholders, are paying in the whole Presidency.

“Coming to the south and the west, as I submitted yesterday, we have got the accounts. I myself made the necessary efforts in this matter, because, it will be seen that in some of the minutes of dissent the question is raised, ‘how can you go back to 138 years?’ These materials are made available here, we have given extracts here, we have got the books here, so that there may be no difficulty with regard to the ascertaining of these rates. If there is to be any difficulty, even that difficulty can be solved by a mere rule of arithmetic, the rule of three. In every estate the land revenue was fixed permanently whether on a gross basis or on a net basis or any other proportion, it does not matter, because these are not fixed in any uniform method all over the Presidency. But the one uniform method was that out of the revenue fixed, two-thirds should be paid as peshkash to the Government and one-third should be taken by the landholder. So far as that matter is concerned it is clear from the information placed before the hon. Members of the House. When it was fixed permanently and when the whole thing was done in 1802, two-thirds of the peshkash is being paid to-day and the balance being only half of this two-thirds, making the other one-third, all that is already there. Supposing there is a village where you cannot get any

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book, any account at all,—I am taking that extreme case—what is to be done is this. Take the village area for the whole village and the amount so levied as land revenue is clear here. The whole thing is fixed by two-thirds plus one-third; distribute it among the various people. The question will come as to why I take the extreme case as an illustration. The Settlement Officer whoever he may be, the special officer, will take that on the basis of the waste land that has to be assessed to-day and he would find out the classification of lands, because it was on the classification of the soil the whole settlement was started and that is continued even to-day. He will divide it and distribute it and the whole thing will be ascertained without any difficulty. We have given the other methods also. Therefore, Sir, it may be seen, whether it is grain rent or whether it is money rent, both were settled in the same manner, both were fixed permanently and irreversibly at the same time, so they continue together.

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noon

“There is another clause in the Patta Regulation. There were four kinds of rents given in the Patta Regulation. Rent in cash, rent in grain, rent by way of division of produce and village rents, because joint village system prevailed. So far as the division of produce is concerned, in that clause, you will find that that was so intended for the lands that will be brought under cultivation after the Permanent Settlement. The language is there not for what had been brought under cultivation, but for what may be brought under cultivation. Therefore, there can be no doubt with regard to the positions that were examined by the Committee, the majority recommendations that were placed before the hon. Members of this House.

“The question as I submitted is a very simple one. The demand made on the landholders is not to forego one rupee out of their dues. They are asked to be just without being upset on account of this claim that is pressed on behalf of the ryots to-day. As the hon. Mr. Rangaswami Ayyangar put it so forcibly ‘when you have enjoyed the peshkash at a fixed rate from then until now, how can you grudge if the ryot claims the same thing when the whole thing was settled at the same time and both should have the benefit of it.’ He put it so forcibly that I adopt that and I submit that there is no expropriation, no revolution in the matter as it is complained. We are simply trying to do justice that has been denied to the man who has become an absolute wreck to-day in the country. What was the position even in 1898, when Mr. Crole was speaking on behalf of these ryots? What was the position economically so far as the agriculturists were concerned? The agricultural indebtedness in 1895 was 45 crores according to the Report of the Economic Enquiry Committee. To-day it is about 200 crores. It has increased by 150 crores. If this had been fixed permanently at that time and if the ryot had been benefited by this rule—one-third of the total

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cultivated area to-day belongs to the landlords of those estates—to that extent at least there would have been a comparative reduction so far as the debt is concerned. They have been compelled to go from door to door, borrow from morning to evening to pay their taxes. And what is the rent roll to-day and what was the rent roll at that time? If the total peshkash that is paid is 46 lakhs or 47 lakhs, what should have been the rent roll even to-day if it had continued unaltered? Forty-six plus 23; that should have been the total. Instead of being at that figure, the rent roll has come to nearly 2 crores and 20 lakhs or 25 lakhs or more than that. Where have they been getting this money to pay the landholders? The ryots have become beggars, they have become coolies in Burma, Malaya States and Indo-China. All this is given in Mr. Crole's speech at the end. The whole speech that he got prepared with regard to this matter has been printed and published; it is in the hands of hon. Members. The country has been ruined practically on account of this tyranny. Therefore, there is nothing that is asked extravagantly of the landholders. Nobody can say—of course in the other House it was said that the recommendations of this Committee have been expropriatory and confiscatory and the other House got the reply from me.

“I am submitting, Sir, that the Committee had done its best to place facts, actual facts without any exaggeration. If there is any mistake—this is only the report stage—the mistake could be corrected. Such a sensation has been created over this report because 1802 has been referred to, and it is for that reason so much had to be said in the other House and so much is being said here. Therefore, I request the hon. Members of this House to exercise their judgment and reject this, if there is anything wrong, suggest modifications if there are any mistakes, or accept it if they are convinced of the barest truth that I have placed before them. What is demanded for the ryot is the simple justice that has been denied to him and is due to him. Not one farthing is demanded from out of those demands of the zamindars or landholders.”

MR. PRESIDENT:—“I now propose to call upon the hon. Members who have given notice of amendments to move their amendments one by one. Then those who desire to speak may do so on the motion as well as the amendments. At the end of the discussion, the amendments will be put to vote one by one, unless they are withdrawn. I think this will avoid repetition of argument and expedite the disposal of business. I hope the House will approve of the procedure which I have outlined.

“I have yet another observation to make. I am to draw the attention of hon. Members to rule 64 regarding the duration of speeches. I, however, do not propose to exercise my right under sub-rule (2) of the above rule and prescribe a time-limit. I am sure a number of hon. Gentlemen are anxious to take part in the

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debate and hence I appeal to the Members called upon to speak, to be as brief as possible in their remarks.

“Dr. Thomas is not in his place. Therefore, the amendment is deemed to have been withdrawn.”

* SRI V. V. JOGAYYA PANTULU:—“I rise to speak in support of the majority report and to move the amendment which I have given notice of, requesting this House to recommend to the Government to bring legislation at an early date on the lines of the majority report. My justification for rising on this occasion is that I am the only member of the Committee in this House who has signed the majority report. The report that has been submitted is voluminous. It discussed matters at great length and gave considered opinions on the points raised therein. Further, the Hon. the Prime Minister in the Legislative Assembly, and the Hon. the Revenue Minister in both the Houses, spoke at great length, and in a very lucid, able and convincing manner, presented the points raised in the report. I, therefore, submit that there is no need for me to refer to all the points dealt with in the report especially during the short time I have at my disposal. I, therefore, propose to confine myself to the most important points in the report. Before I do so, I think it is perhaps necessary for me to read the amendment of which I have given notice. It runs as follows:—

‘That on such consideration, this House recommends to the Government to bring in legislation at an early date on the general basis of the majority recommendations of the Madras Estates Land Act Enquiry Committee.’

Sir, there are three most important points according to me in the majority report and they are fair and equitable rent, enhancement of rents and the right in the soil. The landholders asserted that they were proprietors or owners of the soil, that statutory law, especially the Estates Land Act, conceded and even judicial decisions conceded their rights in the soil, and that their legal position is that of owners of the soil. They resent their being characterized rent-gatherers or rent-collectors. The ryots equally strongly urge that their right to soil was recognized from time immemorial by rulers of the land, by statutes and even by the Estates Land Act and they reiterate that the zamindars are merely tax-gatherers and nothing more. I propose to deal first with the question of the right in the soil, whether it is in the zamindar or in the ryot. Matters, I submit, went all right on this question since 1802, when the Permanent Settlement Regulation was passed, up to 1865 when the Rent Bill became law. Troubles began from the time when the Rent Act was passed. The Bill that preceded the Rent Act was all right. When the Rent Bill came to be passed, confusion was created by clubbing together all the tenures into one section—section 11—and introducing a sort of change in the law by importing into it contractual relations

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between the zamindars and the proprietors on the one hand and the tenants on the other. The trouble and confusion that resulted by the introduction of this change into the Estates Land Act was augmented by the decisions, in those early days, of judges who, ignoring the law of landlord and tenant in this country, imported the principles of English Law of landlord and tenant. This misleading view continued for a number of years, until it was set right about the year 1890 by a distinguished Judge of the Madras High Court Sir T. Muthuswami Ayyar and subsequently by Sir S. Subrahmanya Ayyar in 1920. These decisions are reported in I.L.R., 13 Madras, and 20 Madras. I do not wish to dwell at length on the errors committed by earlier judges basing their decisions on the English Law and the conclusions arrived at subsequently by later judges restoring the Indian Law of landlord and tenant as it existed in this country; because very recently in the Assembly this subject was referred to, at very great length, by my Hon. Friend the Revenue Minister and also because it has been dealt with exhaustively in the report itself in Chapter X, Volume I, beginning at page 174. Apart from the judicial decisions, I submit there are a number of authorities which supported the cause of the ryot and said that the right in the land lay in him. And I would now like to invite your attention to some of the statements made by those high authorities beginning with that great Hindu Law-giver Manu. Manu said that cultivated land was the property of him who cut away the wood or who first reclaimed and tilled it. This dictum of Manu received ample support in later days from high authorities like Sir Thomas Munroe, Justice Fletcher, Baden Powell, Hon. Mr. Crole, Sir John Shore and Hon. Mr. Forbes and others. The Hon. Mr. Crole said from his place in the Legislative Council while speaking in 1898 on the Madras Tenancy Bill as follows:—

‘The term “zamindar” was unknown except in a small part of Madras until 1802. It came from Bengal . . . and was originally used to describe the holder of an office.’

Again

‘The Committee of Revenue writing to the Governor-General in 1786, in a paper on the zamindars’ rights say. “The office is conditional, it is renewable annually and revocable on defalcation.”’

“Again, Sir, that great authority on Permanent Settlement, Sir John Shore, defined the zamindar as a ‘receiver of the p.m. territorial revenue of the State from the ryots.’ In another place, he said that the zamindar was ‘a person entrusted with the collection of revenue.’ The Hon. Mr. Forbes speaking on the Estates Land Act in the debate in 1905 said that ‘the legal status of the zamindar cannot be put higher than that of an assignee of the public land revenue.’ So that, from these quotations you will see that the ryot was recognized for a long time to be a person who had a right in the soil and not the zamindars or other proprietors.

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"Sir, one argument on which the zamindars and proprietors depended for their right in the soil is this: they say that the Permanent Settlement Regulation itself gave them proprietary rights in the soil. They also rely for their position upon the instructions issued to the Collectors at the time of the Permanent Settlement which repeat what is contained in the Permanent Settlement Regulations. The Permanent Settlement Regulations state that the zamindars were given the proprietary right in the land. But in referring to this aspect of the matter we must understand the real meaning of the expression 'proprietary right.' Does it mean absolute ownership in the property or only qualified ownership? The expression 'proprietorship' was never considered to mean 'absolute ownership' and the evidence for this is to be found not only in the remarks made by experienced administrators, but also in the discussions relating to the Estates Land Act of 1908. The Hon. Mr. Forbes explaining the meaning of the word 'proprietor' stated that 'proprietary right' meant the right to collect the Government land revenue, the grant of a permanent tenure, the grant of a permanent right of alienation and an assurance to the zamindar of a hereditary and heritable estate. Again, there is section VIII of the Permanent Settlement Regulation which shows that in the matter of the rights given to the zamindar certain limitations, imposed before, were removed.

"No doubt the phrasology employed in the Permanent Settlement Regulation, viz., the expression 'proprietary rights' created some doubts in the minds of people with regard to the rights that were created in favour of these landholders. The Government wanted to remove such doubts and passed Regulation IV of 1822. This Regulation declared that the Permanent Settlement Regulation XXV of 1802 never intended 'to authorize any infringement or limitation of any established rights of any classes of its subjects.' I submit that the combined effect of section VIII of the Regulation and other circumstances clearly show that the proprietary right granted to the landholders was never meant to convey full ownership.

"Another ground on which the zamindars support their right of ownership is by referring to the rights of the poligars in Southern India. These zamindars say that those poligars were independent or semi-independent chieftains, maintaining military troops and exercising various functions of the Government and that the Permanent Settlement merely conferred on them no more than the proprietorship which had already vested in them. As a matter of fact, this question of ownership or proprietorship of poligars was examined at great length. Government appointed a Committee. One Mr. Hodgson, a Member of the Board of Revenue, held elaborate enquiries. This Committee, at its sitting in Madura, examined a number of representatives of these

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poligars. The Manuals of the districts in which the poliams are situate gave the origin and full history of these poliams. What is more, the Poligar of Udaiyarpalaiyam presented a written memorandum to the Committee admitting that he had no right to the soil. In fact, no serious claim was ever made by the poligars to their rights in the soil. It is, thus, clear that the argument based on the rights exercised by poligars, viz., that the landholders possess ownership in the soil does not hold water.

"The next question which is equally important is, whether the rates of rent were fixed unalterably at the time of the Permanent Settlement or were they liable to be enhanced. The Statement of Objects and Reasons appended to the Permanent Settlement Regulation makes this very clear. It speaks about the protection of the actual cultivators against the landholders and adds that the latter are entitled to collect the revenue in the place of the Government. On the date on which the Permanent Settlement Regulation was passed, twelve other Regulations were passed and they substantially relate to the same subject and they must be considered all together as part of the same enactment. The Patta Regulation to which the Hon. Minister for Revenue made a reference says that it is obligatory on the zamindars to enter into written engagements with the ryots, and it also provides for damages in case of default on the part of the landholders. In Section VII of that Regulation it is stated that no new assessment should be imposed 'under any name or pretence' and section IX further makes a provision that in case of disputes with regard to rates of rent on lands, the rate of rent prevailing in 1801 should be adopted and that if no evidence is forthcoming as to the rate prevailing in 1801, the rate prevailing for similar classes of lands in the neighbouring areas should prevail. So that, I submit that these sections clearly show that the rates were unalterably fixed at the time of the Permanent Settlement and that the rents fixed should never be increased except when valuable crops were raised. In Mill's History of India, Volume II, relating to that portion which relates to the Administration of Cornwallis, it is stated that the rent on land was fixed unalterably at the time of the Permanent Settlement. Even subsequent to the date of the Permanent Settlement, I submit that until the Estates Land Act of 1908 was passed, the question of enhancing the rates of rent was never thought of or even considered. Section 30 of the Estates Land Act deals with enhancement. What I wish to bring to your notice is that even section 30 (1) (a) states that the scope of enhancement has been restricted only to lands other than those for which rent was not fixed permanently; so that all lands for which rent was fixed permanently were held not liable to enhancement even if there was rise in prices. As to the mistake which the Legislature committed, in the matter of applying enhancement to lands, rents

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of which were settled, on grounds referred to in clauses 2, 3 and 4, the Hon. the Revenue Minister has dealt with fully, and I do not therefore want to take up your time by referring to it again.

"Another charge made by the zamindars is that the recommendations of the Committee about rates of rent are expropriatory and divest zamindars of the rights vested in them. I submit that this charge is altogether unfounded. At the time of the Permanent Settlement sanads were issued to all the zamindars and clause 13 of the sanads shows how unfounded is this charge. This clause confers on Government the power to take away the rights granted by the Permanent Settlement Regulation at any time they pleased; and when the Regulation has given such powers to Government in express terms, it cannot be said now that even if any change were made in the Regulation it is expropriatory. In this connexion it is a matter worthy of note that the Joint Parliamentary Committee in their report at page 372 of Volume I, makes a statement that 'the zamindars are entitled to collect and pay to the Government only the rates established and settled.'

"I would refer yet to another charge made by the zamindars against the majority report. They say that the findings of the report are new and revolutionary. In answer to this, I have to state that the rights created in favour of the landholders by the Permanent Settlement Regulation and the Patta Regulation were in force until the Patta Regulation was repealed by the Rent Recovery Act of 1865. So far as the rights of the ryots are concerned, the rights created by the Patta Regulation—sections 7 and 9—in the matter of fixing rents were never taken away by the Rent Act and no fresh rights were created in favour of the zamindars. On the other hand, the two sections, sections 7 and 9 of the Patta Regulation are embodied in the Rent Recovery Bill, clause 10, and the substance of these sections is given in section 11 of the Rent Act.

"The only other objection that was raised is that the rights of the tillers of the soil have not been considered. With regard to this I would state that this subject is referred to in the report and it is not necessary for me to speak anything about it at this stage. With these few remarks I move the amendment which I have read to the House in the beginning."

SRI R. SRINIVASA AYYANGAR:—"I second the amendment."

MR. PRESIDENT:—"Mr. Narayanaswami Nayudu."

SRI B. NARAYANASWAMI NAYUDU:—"Am I to speak on the whole report including all the amendments? Am I to make the full speech which I want to make in this matter even now?"

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MR. PRESIDENT:—"Y"

SRI B. NARAYANASWAMI NAYUDU:—"Mr. President, I beg to move the three amendments of which I have given notice. They run as follows:—

That on such consideration the Council recommends as follows:—

That all the zamindari areas be compulsorily surveyed and settled on principle analogous to and identical with those under which ryotwari areas have been settled taken in conjunction with the recommendations of the Marjoribanks Committee Report and the rates fixed for ever and that on such settlement the ryots should be declared to be the owners of their holdings subject to the payment of the rates of rents so fixed. Where, however, the rates existing are lower than those that may be levied under the settlement recommended the said rates should be confirmed and fixed for ever.

(2) *This Council refuses to give its assent to the recommendations that ryots should be declared to have proprietary right to the soil in all forests and recommends that in all zamindari villages commanding forest areas, the zamindars should be compelled to set apart grazing areas for the use of the villages and suitable rules and powers be given to the Government for enforcing such provisions and the provision with regard to taking green leaves for manure and cutting woods for domestic and agricultural purposes.*

(3) *This House recommends that aghaharam villages pre-settlement or otherwise should be placed exactly on the same footing as zamindari villages and the ryots of the said villages are in the same footing as the ryots in the zamindari areas and the recommendation of the majority committee report in regard to inams should not be accepted or acted upon as the same are reactionary, contrary to the just and established rights of the ryots in the said villages.*

SRI P. PEDDI RAJU:—"On a point of order, Mr. President; the first amendment speaks of the recommendations of the Marjoribanks Committee. That report is not before the House and hon. Members do not know what its recommendations are. I want to know whether the House will be in order in discussing that amendment."

* SRI A. RANGASWAMI AYYANGAR:—"May I submit for the consideration of the House that all the amendments may be formally moved by the hon. Members may

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Speak on all the amendments instead of the several amendments being separately moved and discussed? Then each of the amendments may be separately voted upon. This would avoid a multiplicity of speeches by hon. Members on each of the amendments."

MR. PRESIDENT:—"Most probably the hon. Member has not heard the remarks which I made in the beginning."

THE HON. SRI C. RAJAGOPALACHARIAR:—"What the hon. Member suggests is that all the amendments given notice of by hon. Members may be formally moved now, then all the speeches may follow. It will save time."

MR. PRESIDENT:—"If all the amendments are formally moved without speeches other hon. Members may not know the reasons for those amendments."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Every one of the hon. Members will speak. If once we know all the amendments that are before the House, hon. Members may speak on all of them. For instance, after all the amendments are moved, Mr. Narayanaswami Nayudu may begin. There is only one other amendment and that is in the name of Mr. Saldanha."

MR. PRESIDENT:—"Yes. As regards the point of order raised by Mr. Peddi Raju, I entirely agree with him and since the Marjoribanks Committee Report is not before the House, I rule that portion of the amendment relating to the report out of order."

SRI B. NARAYANASWAMI NAYUDU:—"The words 'taken in conjunction with the recommendations of the Marjoribanks Committee Report' may be omitted and the rest may be allowed to stand."

MR. PRESIDENT:—"Yes."

SRI B. NARAYANASWAMI NAYUDU:—"With your permission, Sir, I will read the amendment as now amended:—

'This Council recommends as follows:—

"That all the zamindari areas be compulsorily surveyed and settled on principle analogous to and identical with those under which ryotwari areas have been settled and the rates fixed for ever and that on such settlement the ryots should be declared to be the owners of their holdings subject to the payment of the rates of rents so fixed. Where, however, the rates existing are lower than those that may be levied under the settlement recommended the said rates should be confirmed and fixed for ever."

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MR. PRESIDENT:—"I have no objection to it."

SRI DIWAN BAHADUR R. SRINIVASAN:—"I second the amendments."

MR. PRESIDENT:—"Mr. Saldanha may move his amendments."

MR. J. A. SALDANHA:—"I beg to move—

'That on such consideration this House recommends to Government that a Committee composed of the members mentioned below be nominated by Government to report their views within three months on the recommendations of the Madras Estates Land Act Committee in their report—

(a) Two representatives of the zamindari class.

(b) Two representatives of the zamindari ryots.

(c) Two representatives of the latter's under-tenants.

(d) Two representatives of the general population of the Province, with a gentleman of judicial qualification and experience to preside and a Secretary to take down the proceedings.'

This is my humble submission, Sir."

MR. S. J. GONSALVES:—"I second it."

MR. PRESIDENT:—"The hon. Member Mr. Narayanaswami Nayudu may speak on all the amendments."

SRI B. NARAYANASWAMI NAYUDU:—"Mr. President, Sir, with regard to the first amendment dealing with rates of rent I am in the unfortunate position of not knowing whether I agree with the Hon. the Revenue Minister or not, because as I have stated in my minute of dissent, I am really unable to understand what the recommendations of the majority of the Committee are. I say in the amendment that the ryot is to be declared as the owner of the soil. The majority report also recommends that the ryot ought to be declared as the owner of the soil. I say in my minute of dissent that there has been a limitation, an unalterable limitation, to the demand that could be made upon the ryot by reason of the Permanent Settlement, the Patta Regulation or the subsequent legislation that has been enacted. It looks as though the Hon. the Revenue Minister and the majority report agree with me. At the same time there seems to be a difference of opinion as to what has been unalterably fixed at the time of the Permanent Settlement, whether it is the *rate of rent* or the *rent* that was settled permanently at the time of the Permanent Settlement."

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“ Hon. Members will realize at once that the rate of rent has nothing to do with what is called the amount payable by the ryot or the village. The rate of rent may be fixed at so many rupees or so many puttis of paddy per acre or per garce of land. That is the rate of rent as distinct from the total amount calculated with reference to the total area. Whether the Permanent Settlement and the Patta Regulation fixed unalterably the upper limit with regard to the rate of rent alone or whether they fixed unalterably the assessment on the whole land seems to be one of the fundamental cleavages between me and the majority report. In fact the whole report has to be judged by this one fundamental fact, namely, whether it is a correct reading of the law to say that the Permanent Settlement fixed the rent unalterably or fixed only the rate of rent payable by the ryots.

“ Therefore the question now arises: what is the fair and equitable rent? The majority report says at one place that the rent has been fixed unalterably, that they were not asking anything new from the zamindars and that they were asking them only to stick to the Permanent Settlement and collect what had been given to them. They urge that they were not at all interfering with their rights. On the other hand, I say that the upper limit has been prescribed and there is a difference between the upper limit and the existing rates of rent. The question of fair and equitable rent has arisen because the upper limit has been exceeded and there has been an over-assessment. I submit that the upper limit of half the gross produce which obtains in most zamindaris is absolutely an over-assessment. On account of this there has been all this struggle in this century for the modification of the upper limit by the zamindars themselves because they cannot get tenants to cultivate the lands or for other reasons. I have till now confined myself to lands in the holding of the ryot. I must now turn my attention to lands not in the holding of the ryot. The theory of *usucapion*, i.e., whoever occupies the land gets its ownership is an old theory of Roman jurisprudence. Prescriptive titles have been got and even hemispheres have been claimed according to that theory. That is the theory with regard to colonization accepted everywhere. The theory that the State is the owner of the soil can be applied only in the sense that at any moment it can command the whole land for its own purposes. That is a different thing and ought not to be confused with the ownership of the person who is on the land, who is enjoying it and paying taxes to the Government. When we go to waste lands or what is called hills and forests, we find there is a different situation. If a person holds the land, then you can apply the doctrine of *usucapion*. The land must be vested either in a State or in a person with certain limitations. The only question is who is

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the person to be declared as the owner of the estate; the other question is what are the rights of the ryot? 12-45 p.m.

“ In the first amendment, I say that the ryot is the owner of the soil. My second amendment says that the ryot should not be declared to have proprietary right to the soil in forests. My third amendment is with regard to inams. The last point is one of the saddest points in the majority Committee report. There has been silent revolution with regard to aghaharams. The majority has not stated what the law should be with regard to aghaharams and what the relationship should be between the aghaharam tenants and the aghaharamdars. Hon. Members should understand that aghaharams form a great part; there are about one million peasants in aghaharam villages. There has been statutory law on this point from the year 1908 until 1938; the majority report says ‘scrap that law altogether.’ That is very good; but what is the law that is proposed in its place? Not a word is said as what should be done with regard to aghaharam lands. Therefore it is that I have brought forward the amendment. My hon. Friend Mr. Rangaswami Ayyangar says that some inams are included and that they would continue to be governed under the Estates Land Act, proposed to be enacted. I may say that the inams that will be included in the proposed Bill would be very insignificant. Many inams were granted by Reddi kings; many inams were granted by Hindu dynasties; many inams were granted by Muhammadan rulers; the majority report has not recommended as to what the law will be with regard to aghaharam lands.

“ I will take up the first recommendation with regard to rates of rent. As I said, I do not know and I am unable to know what the recommendation of the majority report is on this matter. Hon. Members will refer to the draft Bill. Hon. Members will excuse me if I take up some time; it is rather difficult for me to refer to this matter; I will try my best. The only way of dealing with the point is by referring to the draft Bill, which is printed at page 286. Clause 16 at page 286 of the report says: ‘In conformity to the principles enunciated in the preamble it is hereby declared—(ii) that the land-revenue assessment fixed upon the cultivated land at the time of the Permanent Settlement, was fixed in perpetuity and that it cannot be enhanced by the landholder or reduced by the ryot under any circumstances and for any reason.’ Item (iii) of the same clause says: ‘The land-revenue assessment on waste lands that had been brought under cultivation between the date of the Permanent Settlement and to-day should not be assessed at a rate higher than the one fixed on the cultivated lands at the Permanent Settlement.’

“ I request hon. Members to turn to page 151, Part I of the report. The matter may be a bit dry but it cannot be helped.

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The heading given in that page is 'Statement showing the permanently settled zamindaris, their cultivated areas, incomes and peshkash.' We will take the figures given for the leading zamindari of Vizianagram: Extent of land cultivated in high ground is 24,849 garces; extent of land cultivated in low ground is 54,712 garces; the income on which the assessment was fixed is Rupees 7,16,708; the last heading is peshkash which is stated to be Rs. 5 lakhs. In the remarks column it is stated: 'two-thirds income plus Rs. 22,000 as there are waste lands which can be brought under cultivation.' In this connexion section 2 of the Permanent Settlement must be borne in mind. It says: 'In conformity to these principles, an assessment shall be fixed on all lands to pay revenue to the Government and in consequence of such assessment the proprietary right of the soil shall become vested in the zamindars, etc.' May I ask the Hon. the Revenue Minister whether the income on which the assessment was fixed is Rupees 7,16,708? Is it the contention of the majority members of the Committee that the sum of Rs. 7,16,708 was fixed as the permanent income for the permanent zamindari of Vizianagram? We have absolutely nothing by which we can ascertain whether the rent was paid in kind or in money. We can easily ascertain the rate then prevailing; we know the extent of the land that is cultivated; that is 54,712 garces; the assessment fixed on this extent of land is Rs. 7,16,708; we can easily find out the rate of rent for one garce of land. It was stated that if waram rate was being paid, we would not be able to commute it according to the price-level. Suppose the Vizianagram zamindari realized by way of the share of the crops, some amount which was in excess of Rs. 7,16,708; the question is 'Is it illegal under the Permanent Settlement? Was it unalterably fixed?' This is rather a difficult question to answer. I shall be glad if any of the majority Committee members can enlighten me on the point. I wish to know whether Rs. 7,16,708 was fixed as permanent jumma or whether Rs. 5 lakhs was fixed as permanent jumma. A peshkash of Rs. 5 lakhs was made payable by the zamindar to the Government. I wish to know whether it is the contention of the majority Committee that the only amount that can be received by the zamindar from the tenants is Rs. 7,16,708 and not more. Is it contended that anything that the zamindar realized beyond this amount from the cultivated lands, is illegal and that there was enhancement of rent? If that is the correct position, the Vizianagram zamindari cannot collect more than Rs. 7 lakhs and odd. Of course in the first year of Permanent Settlement, records are prepared with regard to yield of that year and with regard to prices of that year. Was not the zamindar entitled to receive his share of the produce next year and to convert it according to the rates prevailing that year? It is stated that in item (iii) of

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clause 16 (1) of the draft Bill, the land-revenue assessment on waste lands that had been brought under cultivation between the date of the Permanent Settlement and to-day should not be assessed at a rate higher than the one fixed on the cultivated lands at the Permanent Settlement? I have some difficulty to understand this provision, if it is read with other provisions. Clause 10 says: 'Where disputes arise in respect of rates of assessment, the rate shall be determined according to the rates prevailing in the cultivated lands, etc.'

"That is why I said that I am in agreement with one part of the recommendation of the majority report and that I am not in agreement with another part. My question is, what is the recommendation of the majority report? Is it the recommendation of the Committee that a special commission should be appointed to ascertain the rate of rent by dividing the total assessment by the total extent of lands? The waram rate has no place if the permanent revenue is fixed at Rs. 7 lakhs and odd on 54 thousand and odd garces of land.

"Then again, we have got under clause (23) (c) of section 16 p.m. the following:—

'If the prevailing system of land revenue in any particular estate is still continuing on the old waram basis and the ryot demands after the passing of this Act that the waram system should be changed into money system, the commutation prices that should be adopted by the revenue courts shall be the prices that formed the basis of the permanent settlement and not the prices that prevailed on the date of the commutation.'

This is in direct conflict with section 7. If it is said that the rate of rent is to be ascertained by dividing Rs. 7 lakhs by 50,000, then why should there be any section here at all that you must commute it to the rate of price levels? We know the assessment is Rs. 7 lakhs, and we must simply get the area and divide it. Therefore, I say it is unnecessary. That is why I could not understand even the hon. the Seconder of the motion who sought to justify a reversion to the 1802 price level. In fact, I have stated in my minute of dissent that the maximum rate has been fixed up. Then, what is the dispute between the majority report recommendations and my note?"

MR. PRESIDENT:—"If the hon. Member is going to speak at length, perhaps we can now adjourn, and he may continue his speech afterwards."

SRI B. NARAYANASWAMI NAYUDU:—"Yes, Sir."

The House then adjourned for lunch to meet again at 2 p.m.

(After Lunch—2 p.m.)

SRI B. NARAYANASWAMI NAYUDU:—"Mr. President, it is necessary for the House to understand that at the time of the

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Permanent Settlement in 1802, almost all the estates were getting rents in kind, especially so in regard to wet lands. Very few estates were levying what may be called money rents. Therefore, it may be taken as a fundamental fact that in 1802 when the Permanent Settlement was made, all the tenants in zamindari areas were paying in kind. Therefore, if now the proposal is to revert to the 1802 level, it means really that you revert to what is called the waram system, which is half-share of the produce. Therefore the question arises whether the proposal is to revert to the waram or half-share produce rate or to revert to the money value of that half-share produce rate, as exemplified in the figures here. I do not know whether I make myself intelligible to the House. The Ramnad zamindari, for instance, even to-day, is practically getting payment in kind, except in the case of nine villages. The gross income of the zamindari is Rs. 1,42,100. My question is this: According to the majority report, is the ryot to pay the converted value? If so, it will be no doubt at the 1802 prices; but what about the present productive capacity, the nature of the crops now raised, etc.? In 1802 there might have been raised gram or some such thing in some of the lands, which practically had no value at the time, i.e., 1802; or the yield might have been very little; and all these things must have been taken into consideration. So, according to the majority report, one proposal may be that having regard to the price levels of 1802, commutation should be made with reference also to the nature of the crops and the productive capacity of the soil. If that is really the proposal, I say then that it is absolutely unjustifiable and is really against the interests of the tenant; it has all along been fought against as unjust. But, on the other hand, if the proposal is that the Ramnad estate should take only Rs. 1,42,000, then it is a different question altogether.

"I think I can bring in an illustration to explain what I say: Suppose in the year 1802 when the Permanent Settlement was effected, the rent derived by the estate was Rs. 100 on an area of 100 acres—that was the value of the produce that was got from that area. If you work on at that rate, it will give you Re. 1 per acre. Now, if the 1802 rate of rent is adopted, not only the rate of rent of 1802 but also the yield of 1802 and the nature of the crop raised in 1802, should all be taken into consideration—and that will be the 1802 rate. If the same 100 acres are to-day assessed at that rate, I say that we will arrive at quite a different figure on account not only of the changed price levels but also of the change in the productive capacity of the soil and the nature of the crops raised to-day. If worked on that basis, I am sure the 100 acres will certainly, according to my calculation, give much more than the Government rates.

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"I think therefore it will be most extraordinary if the zamindars can get a windfall of getting half-share produce on the basis of the 1802 conditions. It is admitted that the difference in price levels between 1802 and to-day is Re. 1: Rs. 2. The 1802 price-level, reduces the share now to one-fourth of the produce. As I have submitted in my dissenting note, this half-share produce was found to be absolutely inequitable and unworkable even with regard to Government areas. That is what is stated in the minute of dissent, at page 353 of Volume I of the report:

'But decisive proof both of the inequality and excess of the new assessment has been since afforded, for when, with reference to the ryotwari assessment, and the collections under it, the lands of these districts were subsequently assessed with the jumma, on the permanent zamindari tenure, the zamindars found it immediately necessary to reduce the teerwas, and these reductions in some cases extended to half the land under cultivation—nay, the high jumma assessed on the estates in the Salem or southern division, in consequence of the high ryotwari teerwas of Colonel Macleod, which exceeded the settlement of 1202 by no less than 36½ per cent has been the principal cause of the failure of the permanent zamindari settlement in that part of the country; and in the estates of the Salem district which have consequently reverted to the Government, the Board have been obliged to authorize a general reduction of the pre-existing teerwa.'

It was then surveyed at half-gross produce.

'Nowhere indeed do the survey rates of assessment appear generally to have stood well except in the Barmahal or centre division, where they were fixed by Colonel Munro, who seems, more than any of the others, to have modified his teerwas by the only certain criterion, the past actual collections, for his survey assessment exceeded the settlement of 1202 by only 3½ per cent, while that of Colonel Graham was 29½, and that of Colonel Macleod, 36½ per cent above it.'

In fact, at page 275 of the Appendices volume of the report, the settlement of this Barmahal is noted: It will be seen there:

'The whole of the lands was surveyed and valued during the superintendence of Lieutenant-Colonel Read and the greatest proportion of them was under the immediate management of Major Macleod from the period of their cession of Tippee Sultan in the year 1792 and as by the system of management not only the annual rent of each village, but of every individual farmer and field was recorded, the Collector possessed the most complete information which could be obtained for enabling him to form the arrangement and divisions of the country.'

Therefore, every field was surveyed and the rate was fixed.

"As a matter of fact, it will be seen from the appendix, that the permanent jumma, the extent of nanja, the proposed jumma, the average jumma for a number of years and the proposed peshkash are all given. That shows that there have been certain estates which were assessed to money rates prior to 1802. The question is: are those money rates to be reverted to now, according to the recommendations of the majority—these money rates which were fixed on the over-assessment system, according to the report made in 1818; or is relief really going to be given to the ryots who are now paying high rates of rent? With regard to the Kannivadi zamin, which was referred by the Hon. the Minister, the rates there were the rates introduced by Col. Macleod. The zamindar himself found they were high rates and afterwards

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he reduced them; later they again became manoraji rates. Then the question came up before the High Court for decision as to whether the Patta Regulation rates were to be enforced or whether the first rates were to be enforced. As the zamindar was entitled to collect according to the Patta Regulation, the difficulty arose whether the manoraji rates could be given effect to.

“ May I ask the Committee whether the majority recommendation is that the first rates introduced by Mr. Macleod in 1801 should be enforced, i.e., the money rates. There were three kinds of estates, in permanently settled areas, which I have already referred to; and the first of them was that relating to those in which money rates of rent were in existence. What is the position? Is the recommendation only on the basis of the first-rates or is it to be a reversion to the waram system? Is a special commission to be authorized to go and see these lands and assess them with regard to the half-share produce system and fix the money rates for ever, or is it simply to be based on the first-rates, i.e., those based on the yield in 1802? My submission is: it would be an over-assessment. Even supposing that the majority recommendation is that the amount that was fixed at the time of the Permanent Settlement should be taken and divided by the area, what happens? Even then, my submission is that it will be necessary for the Government to introduce what is called Government rates. There is no other alternative. If the position in regard to the Ramnad estate is that they can collect only Rs. 1,42,100, as they did in the year 1802, then the estate will pay a peshkash of Rs. 94,000, leaving a balance of about Rs. 50,000 for the zamindar. If the cesses and other things are to go and the collection and management expenses are also to go, then there is nothing left.

2-15
p.m.

“ What about irrigation works, etc.? As a matter of fact, the question has been raised in the dissenting minute of the Raja of Mirzapuram, that in the Bobbili, Pithapuram, Vizianagram and other estates, if the first principle is adopted, they will have to go out. I think it must be accepted that in those circumstances they will have to go out. They themselves say that there has been no extension of cultivation at all. It is in the report that with regard to these estates figures have been worked out to show that there has been no extension of cultivation at all, so that according to it, we are now asked to believe that in Karvetnagar estate to which I belong or in the Bobbili or Vizianagram estates, there has not been extension of cultivation at all. I cannot accept that contention at all, because I know that in my own village, and I have seen it with my own eyes, and also with regard to villages in Kistna district, there has been extension of cultivation. Of course that is another matter.

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“ But the question really is, if the figures worked out in the majority report are true, we get into one or two positions. The first is, Government rates of rent have to be introduced. That has been accepted according to me. As a matter of fact, I submit it is also necessary in the interests of the community at large, that we cannot have two classes of ryots, one being higher or lower than the other, and always at war with each other, since there will always be political parties setting up one party against another, saying we will give you this favour or that. The only point is, that the ryots in the zamindari areas should be placed on exactly the same footing as those in Government areas and be done with that. In my recommendation, I have also stated that where the rents are low, it should not be increased, and the reason for that is not far to seek, because in the Patta Regulation itself they have stated that the landholder and the tenant can agree together and fix the rent for them altogether and that rent cannot be fixed in the same way as the peshkash that is fixed between the Government and the zamindar. That was what was also done in the many estates in the Kistna district, and that is, rents have not been raised. In some cases, perhaps they might be lower and therefore it is that I recommend that these rents should not be interfered with and that in the case of those places where rents are higher they should be reduced to the level of these places.

“ My next recommendation is with regard to forest areas. Here you have got to make a declaration that the forests belong to the ryots. It is not stated as to ryots of which village must be declared the owners. We have now got all the rights in common. It was said the other day in the Assembly that it was not to be the ryots, that the Government will be in possession or management or something of that sort. Probably, I might be wrong in reading that speech. Whatever it may be, the question is ‘ who is to have possession or control? ’ because we cannot now say, which is in the holding of the ryot and which is absolutely outside the holding of the ryot. Of course, it is not in the interests of the ryot, so far as the holding is concerned. It is entirely extraneous, for the terms of reference of this Committee are also to the same effect. The reference is as follows: To report on the conditions prevailing with regard to the utilization of local natural facilities by tenants for their domestic and agricultural purposes. The questionnaire framed are: ‘ What are the rights of tenants with regard to the utilization of local natural facilities such as grazing of cattle, collection of green manure or wood for agricultural implements? Have the tenants got any inherent right to use them for their domestic and agricultural purposes free of cost? What are the respective rights with regard to the public paths, communal lands and hills and forests, and porambores as between the tenants and the landholders? ’

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“Again, Sir, in all the evidences the question has been raised as to what are the rights of tenants with regard to these forests, not that they should be vested in the community called the village patta. If it is the idea that the village patta owns the forests and continues to hold the forests even to-day, then my submission is, as I have stated in the minute of dissent, the village patta has ceased to exist and to-day villages consist of private owners of property; A, B, C having lands to the extent of 10, 14 or 16 acres, respectively, and the village patta organization has ceased to exist. If it is conceded that it has ceased to exist, in whom does this exist? Is it to go to the villagers in certain shares? In that case, each one will want to have it to the exclusion of the other; and therefore it cannot be given entirely to them. Even in reply to questions put to the witnesses, namely, do you want these things to go into the possession of the village? They said ‘No.’ Because, no village panchayat is free from factions about public property and it will lead to one set of persons having control over another set of persons. Nothing more than that will happen. If it is going to be a matter of debate, the zamindar will say, there is no custom and the ryot will say there is custom. Instead of leaving this matter to a question of debate in courts of law, my recommendation is, suitable provision should be made for giving facilities for grazing cattle and taking free of cost manure and other things. The only other question is: whether the Provincial Government should take it or the zamindar should take it. The ryot has no interest in it, because his only interest is, he must have free grazing—and that is why I have moved my second amendment.

“My third amendment is with regard to inams. It is really difficult to understand the position and before a House like this I do not know what to say, because it is said, ‘the law is that and therefore we are going to enact like that.’ But, I say, the law is not like that. The Estates Land Act was passed in 1908. The Bill was first introduced in 1905 and in that the agrapharam villages were included, but it did not contain a proviso to the effect that land revenue alone was granted, but not kudivaram; and that was introduced later on. Then litigation was going on between the agrapharamdars and tenants for occupancy and other rights. It came up again in 1934 or 1936.

“Never mind what the law is, but we should consider what is the real position, taken up by the majority of the committee. It is this, that the Estates Land Act is ultra vires and it comes into conflict with other laws. This question has gone up to the Privy Council. Evidence were given before us by Mr. T. R. Venkatarama Sastri, who was also once the Advocate-General. In the first Bill of 1908, the Hon. Mr. V. Krishnaswami Ayyar took part in the debate and afterwards the Hon. Mr. K. Srinivasa Ayyangar drafted the Bill on the same subject. Successive Advocates-General

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and even the Privy Council have stated that it is not ultra vires. Now the majority of the Committee now suddenly come forward and say that this Act is ultra vires, and therefore we should not have this. This is a legal point. May I ask the Hon. the Revenue Minister to leave this to courts?

“Again, Sir, the inamdars’ point has been dug up and it is said, the inamdars are fools, they should have raised this point in the civil courts. I ask, why do you want a repeal of this Act, if it is, as you say, really a question of ultra vires? I want you to leave it to be decided by courts. Those Acts dealt with the rights of inamdars and the sovereign, just as the Permanent Settlement Regulation dealt with the rights as between the Government and the zamindars. The right of holding land free of assessment is a right contrary to the common law of the country and therefore the Government said in 1802, those lands shall be set apart and leases were made in order to determine the titles of agrapharam villages and to say who are the people entitled to hold lands free of cost and not. My submission is that, if you say it is based on the question of law, I am entitled to say that it is not at all opposed to the existing law at all. On the other hand, the Act is intra vires, and so the first contention is not really tenable. That is why I said at the outset, in a House like this, on a question of law, should there be any difference as to whether the present law is ultra vires or intra vires—let the Advocate-General come and say, by all means do so, but I throw this challenge—let it be decided by a court of law and let it say that it is ultra vires and we are prepared to take their verdict. I say, Sir, we have got the opinions of eminent counsel like the previous Advocates-General who have not only sponsored the Bill in the past, but also admitted the fact; and now in the face of all that, you say for the first time that this Act is ultra vires. I consider that it is only an excuse for repealing the Act. I ask, why should the Act be repealed? You have defined the relations between the zamindars and the tenant, between the agrapharamdar and his tenants. It is not the first time, when this question was considered. In 1865 and in 1908, the same thing was done, and this was not raised; and even in 1936, this point was not raised. But, to say now, we shall repeal the Estates Land Act, because you consider it ultra vires, is doing a wrong thing. That is my submission.

“The next point taken up by the majority committee is about the Inam Commission some fifty years ago. The Inam Commission went into the position of inams and they held that the inamdar had the freehold right. With all humility I say what they enquired into was not with regard to rent, but the whole question before the Inam Commissioner then was whether the agrapharamdar was entitled to hold the land without paying any tax to the Government. The question was not whether they held the lands justifiably without paying the State dues therefor.

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Suppose an aghaharamdar was paying rent, the Inam Commission had nothing to do with him; on the other hand, if taxes were not paid for fifty years and suppose the aghaharamdar was in possession of the land for fifty years without paying the tax, the Inam Commission had no jurisdiction and Government had no reversion. The position that was sought to be enquired into in the Inam proceedings was whether it was held by the aghaharamdar without paying rent or what may be called beneficial rent—what is not ordinary rent which was due to the State, but something beneficial. That was the question that was enquired into. But now the majority Committee wanted to deduce therefrom that the position had been adjudged and therefore freehold property was given up and it was wrong in 1908 to have done so. If the position was adjudged, why should there be an Inam Commission to enquire about it? The enquiry was mainly with regard to whether the lands were entitled to be held exempt from payment of tax to the Government either wholly or partly. If the inamdar was held to be in possession and at the same time was paying taxes, there is no use even if he had possession of land, but he must have held the land without paying the tax—they say his title has to be confirmed; it did not matter whether the tenant was in possession or who was the person who was paying the tax. It is stated that the aghaharamdars are not on the same footing as the permanently settled estate-holders. My submission is the aghaharams and the permanently settled estates are exactly on the same footing, because the relationship between the Government and the others is the same. The permanently settled zamindar pays two-thirds as peshkash, but in the case of aghaharams, the proprietor does not pay anything, or if at all, pays only a beneficial thing. In the case of both, the State demand according to law, has been either curtailed or waived. Therefore, the two things are identical in nature so far as State ownership of property is concerned.

“That is why we find that the Committee was constituted to enquire and report into the condition in zamindari and other proprietary areas. Proprietor does not mean that he is the owner of the soil. It is only meant in the sense that he is paying some rent either fully or in part. I think I have made myself very clear that the Inam Commission only considered cases where nothing was paid to the Government and such as were paying rent, beneficial rent, were outside the purview of their jurisdiction. The Committee say that these things have been enquired into already and that the position taken up according to the Estates Land Act Committee of 1908 was ultra vires. What is the law on the point and on what basis is such a conclusion come to? Was ever such a finding given by any of the superior courts? Therefore, it is, Sir, that I have been urging that the Committee should have made its recommendations whether the tenants have

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occupancy rights or not. Even this has been refused by the Committee. I should only like to quote from the minute of dissent of Mr. Mahboob Ali Baig in support of what I have stated in my minute. This is what he says:—

‘In conclusion, I wish to state that it was very regrettable that the amendments moved by me urging on the Committee to examine the inams question as a whole and propose legislation therefor, has not been carried. An objection was raised that the tenure in inam villages being different, confusion would result from the mixing up of inams with zamindaris in the same legislation. Although I do not hold that view, I consented to the enactment of separate legislation and requested that proposals for such a legislation be made by the Committee. It is very unfortunate that this suggestion of mine also although supported by four members of the Committee has not been given the consideration deserved and was rejected.’

Apart from the inams that do not pay any revenue, the inams and aghaharams pay an important part of our revenue. They pay a sum of Rs. 7,00,000 as what may be called peshkash. If you are going to adjudge as between Rs. 40,00,000 and 2½ crores why not you do the same thing as with 7 lakhs and probably one crore of rupees. It is not as if we want this to be applied to minor inams. Every one of the witnesses that came before the Committee was asked about the rights of tenants in their villages and we have got full details with us from the Collectors in respect of inams having a rent-roll of over Rs. 5,000. We know that there are more than a million peasants in such inam villages and I am only wondering what justification is there to say that they should be left out of the purview of the legislation to be brought up. It will be seen that the Estates Land Act is not going to be modified but it is going to be repealed and when it is to be repealed, it is but natural that we should ask that the rights that have been granted according to it, should not be taken away and the position should not be left indeterminate to be fought out in courts of law. According to that Act the tenants have occupancy rights and those rights should not be revoked and left to be fought out in the courts of law. No doubt it has been declared that the common law with regard to inams is just the same as with regard to the zamindaris but that position has not been upheld by the Privy Council. Anyhow, I submit that some indication of the lines of legislation regulating the relationship between the aghaharamdars and the tenants should have been given. Even in the Assembly I do not see that any such indication was given and I hope it will be given at least here and we shall know what legislation is to be brought forward and on what lines. Therefore it will be seen why I have given notice of my amendments contrary to what has been recommended by the majority of the Committee

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and I hope will give due consideration to them and judge the matter."

* SRI A. RANGASWAMI AYYANGAR:—"Mr. President, I may begin by stating for the benefit of the House and those outside that what I am stating now on the floor of the House is not the view of the party to which I belong and I have been given the liberty by the leader of the party to express my own views in regard to the matter before the House in view of the peculiar situation which I have been placed in.

"To those who are not in the thick of the matter it may appear that the members of the Committee, the so-called majority and the minority, are in considerable disagreement on the fundamentals of the issue. I may state at once that the impression so created is wrong. Barring the Zamindar of Mirzapuram, all the other members of the Committee agree on the most fundamental issue involved in the case. No doubt, the Zamindar of Mirzapuram, is a class apart and I do not know who is going to espouse the cause of the zamindars in this House. The other eight members composed of six members from the Congress Party and two members of the non-Congress Party—four of them are lawyers—all of them agree and have come to the unanimous conclusion that the ownership of the soil is that of the ryot and that what the ryot pays is not rent but a tax. It is not a small matter for congratulation that four members, all practising lawyers agree on this principle and have proceeded on that basis with a view to solve the tenancy problem of this presidency. They have agreed—two of the practising lawyers that have agreed to this proposition are non-Congress practising lawyers—that the fundamental basis of the tenancy problem is that what the landholder is receiving is only land revenue and that position goes a long way in solving many of the mysteries that have confounded the lawyers for over a century.

"This position has been taken up again and again from 1802 onwards. In 1865, in 1898 and again in 1908, very many persons who espoused the cause of the ryots attempted to take up that position, namely that the ownership of the soil was that of the ryot and wanted to frame legislation on that basis but their efforts for some reason or another had been fruitless and the introduction of the words 'landlord and tenant' has been responsible for the medley of decisions and the wrong connotation of the respective rights of the parties. No doubt, it has been pointed out from the very early history of the struggle of the tenant that the prevalence of the term 'landlord and tenant' has been responsible for a good lot of difficulties of the ryots. It has been pointed out by Mr. Crole himself in 1898 and it appears on page 19 of the Addenda that has been supplied to hon. Members from which I think it

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is not necessary for me to quote. If this is firmly kept in mind and it is remembered that the tenant is the owner of the soil, the other difficulties will vanish. If it is remembered that the ryot in the zamindari is on a par with the other ryots, the other things follow as a matter of pure logic. The other recommendations merely follow as a logical sequence of that position. That is what happened at the time of the Permanent Settlement also.

"No doubt the position has not been altogether uncontested. The zamindars have been contending for a long time past that the State being the owners of the lands and they being the assignees of the State's rights therein, the ryots were merely tenants-at-will and so they were entitled to raise the rents as they pleased. This position has been again and again disputed by various legislators.

"What happened in 1802 is that while the State transferred its rights to collect revenue from the ryots, it also took care to see that the ryots were not harassed by any other fresh levy. That is but logical because if it is a taxation nobody except the State has got the power to levy taxation and it cannot be that the Government of the day allowed a *carte blanche* to the zamindars to levy taxation upon the subjects thereby abandoning an attribute of their sovereignty in 1802. The State in 1802 did not do any such thing and that position is clearly brought out by the various speeches made by Mr. Crole which are printed in the addenda that has been circulated to hon. Members. There is no doubt about the fact that the zamindars were not allowed to enhance the rents that were prevailing in 1802. If it was a money rent, they were not allowed to enhance it. If it was a waram rent, they were not allowed to enhance their share from one-fourth to one-third or from one-third to one-half. But if, at any later time, the zamindars wanted to convert the waram rate into a money rate either by agreement or by the act of the State, they could commute it. There was nothing specially mentioned either in any contemporaneous regulation or subsequent legislations saying that the zamindars were compelled to accept the money value that prevailed in 1802 on such computation. There was no statutory obligation on the part of the zamindars to commute only on the basis of the rate obtaining in 1802. That is where the flaw in the findings of the majority of the Committee comes in.

"Now the zamindars have been getting much more than they were getting in 1802. How did it happen? It happened by the rise in prices. No doubt contemporaneous documents of 1802 and subsequent documents lay it down that the zamindars were entitled to a share in the increase. On a matter of construction of the documents of the Permanent Settlement deeds and other documents connected therewith, you cannot gainsay the fact that they were entitled or at any rate they had the right to get the benefit of

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increase in prices, just as the ryotwari tenant was getting the benefit of the increase in prices. This is noted in page 5 of the Addenda:—

‘The proprietary right of the zamindars is no more than the right to collect from the cultivators that rent which custom has established as the right of Government and the benefit arising from this right is confined first to an extension of the amount, not of the rate of the customary rent, by an increase of cultivation; secondly, to a profit in dealings in grain where the rent may be rendered in kind; thirdly, to a change from an inferior to a superior kind of culture, arising out of a mutual understanding of their interest between the cultivator and the proprietor.’

“And again,

‘Certain rates were fixed as the maximum *teerva* on different descriptions of land at the time of the permanent settlement, which rates cannot, of course, be raised so long as the lands remain under the same cultivation, whether *nanja* or *punja*, etc., but the same rule does not in the Court’s opinion apply when lands are improved by converting *punja* into *nanja*, and *nanja* into *totacal* or garden cultivation.’

“So then, if it is a matter of interpretation of the legal rights of the parties, you cannot certainly say that the benefit of the increased rise in prices is really enhancement. Further the problem does not stop with that. The real question is whether the zamindar is entitled to an increased rise in prices. The Hon. Mr. Prakasam took laborious pains to establish that this is enhancement of rent. I beg most respectfully to differ from him, and I wish to state that this is a windfall for the ryot as well as to the zamindar. But whether the zamindar can get the benefit of this windfall is another matter. This is what political economists call unearned increment. This is a totally different matter. With reference to the exigencies of the State, the present Government may take the view that having regard to the functions of the zamindar, he is only an office holder, for which he was given a particular remuneration in 1802, that he is entitled to no more remuneration than that, and that the zamindar shall not have a share in the unearned increment. It is certainly open to the State legitimately to take that view and deprive the zamindar of that unearned increment. But it is a totally different thing to argue that this is enhancement. I say, why spoil a good case with bad arguments. Why do you entangle yourself in a legal mire; why do you entangle yourself in legal quibbles that the interpretation of the Permanent Settlement is this, that the language of the Permanent Settlement is that and so on? The rights of the State are paramount. Having regard to the political advancement of the country, the present state of the tenantry, the particular office that the zamindar is functioning, the State can very well say, ‘abolish the office because the office holder is not entitled to any vested interests in the Government.’ All the eight members of the Committee came to the conclusion that the zamindar is merely an office holder under the Government and that he simply fulfills an office. Therefore it is open to the Government to dismiss him,

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It is open to the Government to say whether you will pay him compensation or compassionate allowance or whatever you call it. It all depends upon the view that you take on that question. But it is totally unaffected by the legal connexion between the landlord and the tenant. Therefore the 1801 basis, while it is useful to get rid of the zamindar and for assessing the damages or compensation or compassionate allowance, is certainly not a proper criterion when you deal with the ryots as they are.

“When you deal with the ryots you will have to deal with them on the principle of taxation. If it is a tax, what are the principles of taxation. The ryotwari tenants are subject to taxation under a principle of half-net. Why should the zamindari taxation be fixed on a different principle? After all, the persons who are willing to be taxed have accepted the ryotwari principles of taxation. Therefore I have to recommend this to you: when you are dealing with your own subjects, why do you want to go to 1802; why do you bother yourself and say that the East India Company did this or the British Government did that; why bother yourself the East India Company was a trespasser and the British Government too for the matter of that is a trespasser? If we do this, we will land ourselves in a chaotic condition. The East India Company did not do this for the sake of Indians; it did this for its own sake; it found itself in a difficult position; it was not able to govern India; and therefore it sought a rough and ready method of collecting as much money as it could in a lump sum and in a manner that it would catch hold of. No doubt two-thirds of the revenue may be a general principle; but two-thirds was not always the case. The history of the zamindaris shows that if the zamindar happened to be a powerful one the zamindar gave considerably less than two-thirds; but if it was a case of a weak zamindar, he had to pay two-thirds. Therefore the figures that were settled at the time of the Permanent Settlement were rough-and-ready figures not based on any accurate thing. They were based on the karnam’s report. Therefore that was the method the East India Company was forced to adopt for their own sake. At that time things were in an unsettled condition. When we consider the State to be supreme, can we take things as found in a chaotic condition as a standard? How can you adopt that, when the principle of taxation for each estate must be different? There are 1,500 zamindaris, and the principle of taxation in each zamindari is different.

“Of course, there are several objections to this so-called 1802 principle. In fact, are there any principles at all? Several principles are given in the report. Were all the zamindaris settled on the same basis? For example, the Udayarpalayam zamindari pays only Rs. 600 as peshkash, but the actual rent-roll is enormous; some zamindaris were favourably treated. If you are going to proceed on the amount of peshkash settled in 1802, I wonder how

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you are going to tackle the problem. One zamindari ryot may pay Rs. 20 per acre; while the adjacent zamindari will be paying only two annas per acre. The Hon. Mr. Prakasam was waxing eloquent about the infallibility of the figures. I challenge whether accurate figures will be available for all the zamindaris. Moreover you can get figures only in a lump, that is for the village as a whole. With that, how will you be able to settle the amount for each individual holding in each village. Supposing Rs. 1,500 was fixed as the assessment for a zamindari, may I know how you are going to distribute that amount among the several villages composing the zamindari? Further many villages that were flourishing at the time of the Permanent Settlement have gone to decay, and many that were unimportant then have risen to prominence now. One hundred and thirty years have elapsed since then, I wonder how you can proceed on historical facts at the present day. So far as theory is concerned you can be guided by history. But practicability is another matter. Was any investigation made? Witness after witness on behalf of the ryots, in fact, ryots after ryots, Congress Committee after Congress Committee pressed upon the Committee the desirability of settling the amount of assessment on the ryotwari principle, that is, half net, arrived at after deducting the cost of cultivation and other expenses having regard to the marketing facilities, taking into consideration the past ten years' prevailing price. No doubt the ryotwari area principle was wrongly worked. But I say, witness after witness pressed upon the Committee that they would be satisfied if the ryotwari area principle of assessment was adopted. No doubt the zamindars opposed this. Of course, I as one in the minority accepted this principle as also two members of the Committee who do not belong to the Congress Party. Now I ask, was any investigation made about the 1802 principle as to how it can be worked or how it will work? Was any question put to the ryot about it? Does anybody know as to how the figures of 1802 were arrived at? Mr. Narayanaswami Nayudu said that the figures can be manipulated either in favour of the zamindar or in favour of the ryot. All this shows that the figures of 1802 are unreliable. Therefore, I say, 'if we adopt the 1802 principle we will be following a will-o'-the-wisp policy.

"Further, once we raise the status of the zamindari tenant to that of the ryotwari tenant, any benefit in future reform that we may confer on one of them will be availed of by both. But if we follow 1802 principle for each zamindari there will be 1,500 principles, and how are you going to benefit anybody by your future legislation? There it passes my comprehension as to who started this idea, and how this idea will be worked. I am not now on the question as to how the zamindars will be affected with these principles. I do not hold any brief for the zamindars.

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My apprehension is that the ryots will not get the benefit of the system, because it is really a thing which the ryots cannot test themselves. If it is ryotwari principle, they can test for themselves. It is not a question of diving into the figures of the records of the zamindars or blue books. Do you think the ryot is equal to the agents of the zamindars in the matter of figures? Therefore I say that this principle of settlement of rent on the basis of 1801 3 p.m. principle is not proper. I hold strong views on that point. However, it does not affect the general basis of the report. The general basis of the report is that if the ryot is the owner of the soil and that what he pays is a tax and not rent it is open to the State to tax in any way it pleases. It is a matter of detail, though an important one.

"I have already stated that the Permanent Settlement itself was a great wrong done to the people. The only body that sustained loss by the Permanent Settlement is the State and it is high time that the State should set right the wrong. I surmise that if the 1801 principle is adopted, it may be, that we are not directly coming within the teeth of the Permanent Settlement. It may be stated that if we say that it should be on the ryotwari basis, the zamindars will base their objection upon the Permanent Settlement; therefore there is a legal hurdle to get over and therefore to get rid of that difficulty we should adopt the 1801 rates. My own view is that there is no legal hurdle at all in either case, whether you have the 1801 principle or the ryotwari principle as at present; there is no legal hurdle at all. Even in 1802 this question was raised and the East India Company definitely said that the Government did not abdicate its powers to tax or pass regulations for the benefit of the State. The passage is found in pages 1 and 2 of the Addenda. This is what they say:

"But it so happens that such a contingency was clearly foreseen and provided for, towards the close of last century, by the Court of Directors, Lord Cornwallis, the Madras Government in its instructions to Collectors in 1799, and in the permanent sanad issued to zamindars, under Regulation XXV of 1802, the 13th article of which specifically reserves the right to 'enact Regulations for the security, protection, and prosperity of the subjects of the British Government . . . and for the improvement of the condition of the people.' The Governor-General in Council distinctly informed the Madras Government [dated 31st December 1799, No. 8-1-18-(a)], that "the acknowledgment of a proprietary right in the zamindars existing, or those to be created, was not to be allowed in any respect, to affect the rights of the ryots or others, who had hitherto been in any respect subject to the authority of the zamindars, or other landholders; nor was it to be construed to preclude Government from passing any laws or regulations, which might occasionally be deemed expedient, for the protection of the rights of the ryots, or of other persons, or for any other purposes which might be deemed essential for the good Government of the country."

"Therefore, at any time, neither the East India Company nor the Board of Directors held the view that it is beyond the purview of the State to pass regulations for the protection and prosperity of the subjects. Therefore, it is seen that the Permanent Settlement is not affected. It is a question of regulation of taxation of the

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country. If it affects the Permanent Settlement, it is open to the zamindars to cancel the contract and thereby to quit the office of zamindar. Either he must accept the office on the conditions which the State will impose from time to time for taxation, or he must quit the office. Even if the Permanent Settlement is going to be a hurdle which it might be impossible to get over, under the new constitution, there is no power to prevent a local legislature from making laws even if it affects the Permanent Settlement. The only thing that has to be done is, perhaps to obtain previous sanction and I am sure that those who are responsible for making laws for the removal of the distress of the people, will certainly not find it difficult to go through these formalities. Even if it comes to a question of the cancellation of the Permanent Settlement, if the situation in the country requires it, certainly the Congress Government will take the necessary steps to get this formal sanction.

"I have only one more word and I have done. This is a matter on which I entirely disagree with my hon. Friend, Mr. Narayanaswami Nayudu; it is with reference to the question of inams. No doubt, on this question, I have disagreed with the majority report as well. Since we assume that the zamindar is a public office holder, there are certain disabilities imposed upon him by reason of his position as a public office holder in the matter of the purchase of the tenant's rights, in the matter of extending his private property, in the matter of holding bought-in lands and so on; these are some of the disabilities which are imposed upon him by statute in virtue of his holding a public office. In the case of the inamdar no such disability exists, because, at no time was it ever suggested that an inamdar was an office holder or a farmer of revenue, though he got the rights of the zamindar or of the Government either by assignment of revenue or assignment of the village; he at no time occupied a public position, he was never a public servant. Therefore, such disabilities as were imposed upon the zamindar by reason of his occupying a public position ought not to be imposed upon the inamdar and therefore, it is that I say that there must be freedom of contract, competitive rent, freedom to hold freehold properties which are purchased in a court auction, as I have enumerated in the minute of dissent.

"The mistake that was committed in 1908 and 1936 is that the zamindars and the inamdars were clubbed together on the ground that the inamdar is merely an assignee of the zamindar's rights and so on. He may be an assignee of the zamindar's rights but not of his disabilities. No inamdar was assigned all the zamindar's disabilities. Therefore, I say that inams must be differently dealt with. But this is not to say that the kudivaramdar should be deprived of the properties which he might have got by virtue of long possession or by grant or by other methods. Far from that. But the other disabilities in respect of presumption and other things

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which are enumerated in the Estates Land Act of 1936 should not be there. Therefore, I recommend and I agree with the majority report that the 1936 enactment must be cleared out so far as the inamdars are concerned.

"I agree with my hon. Friend Mr. Narayanaswami Nayudu that a separate enactment is necessary for the inamdars alone. The majority report includes certain inams and leaves the rest in the air, as it were; that is to say there would be a lot of trouble in law courts in the matter of excluding or including a certain inam and so on. Therefore, I say that sooner or later an inam village legislation must be attempted. I have also indicated the principles of such an inam legislation in my dissenting minute."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Mr. President, Sir, so much has been said about the legal and technical aspects of this case, that I do not intend to go through them again. But I should like to say that this is a very important and difficult question that has come before this House. Not only Members of the Government, but also every Member in this House is interested in the just solution of this very difficult problem. We should remember that the ancient zamindars have not been created by the Permanent Settlement of 1802. They have been existing for many centuries and have been exercising sovereign and quasi-sovereign rights. There are historical records and inscriptions to show that they have made grants of land to the East India Company. Armogam, a village near Pulicat has been granted to the East India Company about 300 years ago by the Raja of Venkatagiri and the fishing village on which the City of Madras now stands has been given about the same time to the East India Company by the Raja of Kalahasti. That is perhaps why our Andhra friends are claiming Madras for the capital of the Andhra Province. (Laughter.) What I say is that the Permanent Settlement simply confirmed the then existing rights of the zamindars and similarly the sanads that were issued to the zamindars under the Permanent Settlement also did the same. The sanads clearly say that all the forests, waste lands, irrigation works and minerals are the assets of the zamindars. All that shows that it was considered at that time that the zamindars were the owners of the soil. To my mind, Sir, it is very clear that the zamindar is not only the owner of the soil, but also has the right to enhance the rent, as has been recognized by the legislation of 1908, under which any zamindar has the right to enhance rents under certain conditions. Sir, whatever may be the legal position, I think, this House expects the Government to come to a just settlement of this question. The point to be considered is, what is the effect of the report of the Committee presided over by the Hon. the Revenue Minister? Is it possible to give effect to the

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recommendations of the Committee and at the same time do justice to everybody? If you give effect to the recommendations of the Committee what happens is, that the zamindar will not be able to pay even his peshkash to the Government. What is to happen to his administrative charges? What is to happen to him who has been maintaining himself on the income? I think the report will lead us to an impossible and intolerable situation. Sir, it is all right to say that we must satisfy the millions of ryots, but at the same time we must try to satisfy the zamindars also. I do not want that we should bring about the extinction of the zamindars. What is to be done at the present moment? I think only one or two courses are open. First we should adopt a middle course. It is not possible to give effect to the recommendations of the Prakasam Committee, because it will lead us to a very impossible and intolerable situation, a situation in which the zamindars will find that they are not able to pay even the peshkash to the Government. How are you going to meet the situation? It is not statesmanship to say that we are concerned only with the ryots and all that we want is to give relief to the millions of ryots. We should no doubt improve the position of the tenants in the zamindari areas and at the same time we must see that the zamindars also live, and are not destroyed. If such a course is not possible, then the only honourable course is to acquire the zamindaris by means of adequate compensation. I use the words 'adequate compensation' because, we have to take into consideration the income that they get at the present moment. The Hon. the Revenue Minister both in the other House and in this House said this morning that they are getting a gross income of 213 lakhs, of which about 44 lakhs they pay as peshkash. They have to spend about 10 per cent of the gross income that is about 21 lakhs or so as charges for collection purposes. Thus their total net income to-day is about 150 lakhs. Therefore, in any settlement with the zamindars, we have to take this into consideration that they are getting about 150 lakhs to-day as net income. Sir, even if we acquire the zamindaris by means of the money compensation, we should remember the great loss of prestige in the status of the zamindar. To-day he is considered to be a most important person in the district; he is considered to be the leader of society not only on account of the fact that he has been there for centuries, but also on account of the services that he has been rendering to his own ryots by establishing and maintaining educational institutions, schools, colleges, hospitals, child-welfare centres, poor houses, and religious institutions. Under these circumstances, I do not think it will be right to say that we shall give them some compensation. We should give them adequate compensation taking into consideration their present net income of 150 lakhs and also the loss of their status and prestige. Sir, I should like to take this opportunity to plead before Government that the zamindars though

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only about 1,600 in number, are entitled on moral grounds to fair and impartial treatment. With a spirit of give and take on both sides, I think any difficult problem in this world can be solved. And with this spirit of give and take if both the zamindars and the Government could come to some kind of just settlement, I think the House will be glad that we have done our duty both to the ryots as well as to the zamindars. Therefore my appeal to the Government is that they should get into touch with the zamindars and come to a just settlement with them. By doing justice to them they will be raising the prestige of the Government for fair play and magnanimity."

* SRI MEDAI DALAVOI KUMARASWAMI MUDALIYAR:—"Mr. President, I would very much like to thank the Hon. the Revenue Minister and his colleagues on the Estates Land Act Committee for their industry, etc., but then the Premier, speaking in the Lower House, with his ripe experience, had given us a lesson on parliamentary practice that such things are not essential and that a House debating on questions of this nature must do so in a manner useful for further progress. It is no easy thing for ordinary mortals like me to follow the austere example set by the Hon. Premier and whatever wish I may have, the temptation to drop a compliment to the members of the Committee for their industry, etc., becomes irresistible. For, who can withhold them what is their due, when the eighteen bulky volumes present a flattering addition to an otherwise modest library of an ordinary councillor like me, when by the variety of their colours rivalling the richness of the peacock, they afford a pleasing spectacle to the eye? What quotations! what graphs! what charts! There is a majority report; there are a formidable number of minority reports; massive appendices; elaborate evidence; graphic representations; verily it dazes my poor imagination.

"Sir, I am reminded of a saying in Tamil 'They delved at the fountain; and lo! they begot the demon.' கிணற்றுமேட்டி பூதம் புறப்பட்டது. Such are the startling findings of this industrious Committee. When we first supported the motion for the appointment of the Committee, we thought it was a genuine necessity and we expected that the Committee would make some tangible proposals for the reform of the zamindari areas. But to-day what do we find? Our good intentions have resulted in a jumble of most reactionary recommendations. The Hon. Prime Minister, while speaking elsewhere, took a timely leaf from American history and characterized the zamindari system as a slave drive. If that is so, Sir, what we would expect of him is to abolish this despicable system and carve out an immortal niche for himself in history as a Madras Abraham Lincoln. But on the other hand, Sir, I am surprised at seeing him helping to perpetuate this slave system. I am surprised at seeing him advocating the creation and addition

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of another tier of intermediary slave drivers or slave owners to the existing number, for, I submit very little of what is now going to be conferred will actually reach the ultimate tiller. It is the cowledar who is going to be the future permanent ryot, helping to slave drive in his turn. It is going to benefit those class of absentee landlords, to whom direct cultivation was an anathema, whose sastras say cultivation is a profession only for the lowclass Sudra, because it means physical pain. It is going to benefit those retired class of rural money-lenders, who by their unconscionable methods, have bought off the ignorant peasantry; in other words, it is going to perpetuate the class which to-day battens on the toilers of soil. These recommendations, if given effect to, will only be setting the seal of legislative approval on a form of organized exploitation of the actual tiller of the soil which has been going on in this country for the past two thousand years. Up till now it was religion that kept up this farce. But to-day the mantle of religion has fallen on politics in this superstitious country of ours and the exploitation is sought to be perpetuated through the political bodies. The sons of the soil have been kept deliberately dumb through all these centuries by means of all the contrivances that religion could devise with a view to perpetuate this exclusive exploitation. If therefore, Sir, to-day I do not condemn this recommendation, I will be proving a traitor to the interests of my people, the actual tillers.

“ Sir, the majority Report disposes of certain fundamental points with an air of cocksureness which is given to few committees that sit on such important questions. First, let me refer to the question of the ownership of the soil. This is a question, Sir, over which much water has flowed in the Ganges and the Thames as well, but no decision has been arrived at yet. But now, a little flow, shall I say in the Cooum, has ended this much controverted issue. The soil belongs to the ryot. The great Alexander has performed his worthy feat; the Gordian knot is cut, cut asunder. And from what authority is all this derived? None younger than the antiquarian codifier Manu who lived, I think in some B.C. I may tell you for the information of the House, Sir, that this Manu after all, has ceased to command that universal admiration and obedience he once managed to command—at least that is so in the southern parts. He is increasingly suspected to have been a tool in the hand of some single community which aimed at the maintenance of its own super-importance. Whatever that be, Sir, the codes of Manu do not have a universal application in India. I am saying this on the authority of no less a Jurist than Sir Henry Maine. In his book called Village Communities (page 39) he says: ‘ Complete and consistent in appearance as is the codified law of India, the law enunciated by Manu and by the Brahminical commentators on him, it embraces a far smaller portion of the

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whole law of India than was once supposed, and penetrates far less deeply among the people.’ But apart from the limited application of Manu’s Code, we must remember that there were diverse schools of jurisprudence among the Sanskrit textwriters who sometimes held diametrically opposite views on question of law. As against one verse of Manu that the land belonged to the cultivator, I can quote ten verses from other authorities that it was not so. Shall I mention the Arthashastra, the Narasimha Purana and the Gautama Sutra to prove that the King is the owner of the soil?

“ But to me it appears, Sir, both these theories, viz., that the land belongs to the ryot and that it belongs to the king—both of them are the theories of Aryans in their different stages of conquest in India. When they came first then the individual settlers enjoyed the benefit of ownership as conferred by Manu. That was when the Brahman Raj prevailed. But when the Kshatriya Raj was established, then the King became the owner of the soil. Both these are entirely Aryan conceptions, that arose out of a political change. (Sri Madhava Menon: ‘ Is the ryot Aryan or non-Aryan? ’)

“ But to the Dravidians, both these theories do not apply and appeal. They were civilized long ago, long before the Aryans knew what civilization was. The Dravidians lived in settled villages and for them ownership in the soil belonged only to the village community. The Dravidian civilization was distinctly a village civilization and it stands even to-day up to Punjab, as a lasting monument of contribution made by these great people. Baden Powell, that eminent authority on Land Tenures and Sir Henry Maine, whom I quoted just before, both have testified to this. Therefore, so far as we in the south are concerned, who have inherited so much from our Dravidian ancestors, how is it possible to admit the finding of the majority Report that land belongs to the individual ryot?

“ But of course, our Friend, the Hon. the Revenue Minister 3-30 would; I know, reply that he has also said that it belonged to the village community. Well, Sir, here it is that I find a lack of clear thinking and existence of much confusion on the subject. I know he has said that the land belongs to the village community for the sake of assigning waste lands to the ryots. There it comes in very handy. But then how is it reconcilable with the individual idea of property stated earlier, unless by defending that by the disintegration of the village community, the land reverted to the individual members that composed it? If that is so, I contend, land must revert to the State and not to the individual cultivator; for it is by the centralizing influence of the State that the villages got disintegrated; secondly on moral grounds, also the

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ownership of the land must revert to the State; for under a centralized State it is the State which discharges the varied functions of society like preservation of law and order, and prosecution of schemes of social welfare. This was therefore one of the reasons why the East India Company claimed ownership in the soil.

"It is said that the Company had no right to give away proprietorship of the soil to the zamindar. They were conquerors and as the 'Bhumeswara' and 'Bhupathi' what could they not do with the soil? They therefore conferred it on the zamindar. As regards the cultivating ryot, they recognized only his occupancy right. But this was not their fault. These real sons of the soil had always been kept in that precarious position to subserve the ulterior interests of an upper strata of society. Therefore after fully recognizing that right, they disposed of land as they pleased. Where is the unlawful act the Company committed? This is expressly stated in the Instrument of Instructions issued to Collectors on the eve of Permanent Settlement in 1799, paragraph 32 reads as follows: . . . 'Distinct from these claims are the rights and privileges of the cultivating ryots who, though they have no positive property in the soil, have a *right of occupancy*, as long as they cultivate to the extent of their usual means and give to the Circar or proprietor whether in money or kind, the accustomed produce.'

"When the cultivating ryot is granted the right of occupancy only, does not that mean the zamindar has the proprietary right to the soil? I can quote copious extracts from the very same Instrument of Instructions to prove that it was proprietorship of the soil that conferred. But the majority report, although aware of all these passages, summarily disposes of the question and there are gullible and interested supporters of such a finding also.

"From this a logical conclusion is derived that all zamindars are merely rent-collecting agents. Because there were many like that in Bengal, and a few like that were created in the Kavelli lands here, can it be said that all the scions of ancient royal families were mere amildars? The great poligars of the south, which as the Committee acknowledge in its Report, Part II, was organized by my venerable ancestor Arya Nathar of historical fame, were not mere rent-collecting units, but strong bastions of feudatory rulers who ruled the country and fought for it against the invaders. The Rajas of Vijayanagar and Bobbili have a glorious history behind them. It has been said that because all of them claim their rights only under the Permanent Settlement Regulation they are all revenue agents. Such reasoning, I am afraid, is even more mystifying than reasoning by parables which is so much in the fashion now.

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"There is one other important recommendation of the Committee to which it is impossible not to advert, however short the time at my disposal. I mean the finding that rents were also permanently fixed in 1802 and that we must go back to the 'customary' rates of 1801. To me this came as something in the nature of a fantastic discovery, but as mystifying and incomprehensible as that of Einstein's theory of relativity. Later, I found, the Hon. the Revenue Minister is too modest to claim originality for this strange discovery and therefore honestly fathers it on the Board's Proceedings of 1864 which suddenly has become 'famous', on one Mr. Hodgson whose unknown report has suddenly become 'magnificent' and on Hon. Mr. Crole and Hon. Mr. Forbes and a host of other Englishmen who suddenly became 'Benevolent.' But I am sure members of this House will agree with me that the Hon. the Revenue Minister deserves at least the encomiums due to an act of second hand discovery whatever that may be.

"Let me analyse this conclusion a little. As a plain man I read a plain meaning into all the State papers, the Regulations including section 9, Regulation XXX. The Instrument of Instructions, the so-called 'Famous' Board's Proceedings of 1864, etc., and yet I cannot feel this interpretation can be borne out. Nearly 140 years of practice is against the interpretation. Nearly the whole of case laws is against it. Evidence is also against; for in no single instance has a witness before the Committee put forward this claim to a reversion of '1801' rates if there is anything like that. To him it must have appeared preposterous to make such a claim. These 1801 rates, I submit, are nebulous, undefinable rates. For there is nothing like a customary rate in India. One-sixth was once the rule; and one-fourth was permitted during war. One needy Hindu Ruler, by an ingenious interpretation, raised his share by demanding one-sixth of the grain after the husk is removed. The Muslim rulers took one-third and later one-half. The Company in the early years took even two-thirds of the gross produce. That being so, where is the customary rent? It has always depended on the exigencies of the State and its power to collect the maximum without killing the goose that laid the golden egg? Further it differed with different crops, different soils, etc. How are they valid to-day, when crops as well as fertility of soil has undergone great changes? How does it reflect the exigencies of the State at present? The idea is absolutely crazy."

"Secondly, the customary rates were not only in money, but also in kind. It was probably predominantly in money in the Northern Circars and Bengal, etc., which were subject to Muslim rule for a longer time and in a more direct manner. But in the Tamil country, the customary rate has always been the grain rate and this is continuing even to-day, as will be seen from the

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evidence volume to this Report. In that case, is it not to this customary grain rent of 1801 that we must revert to, wherever there has been grain rent all along? If that is done, then will the Hon. Revenue Minister and his colleagues of the majority Report realize the folly of their proposal? For as they themselves have pointed out, for nearly 44 years previous to the Report of the Circuit Committee, the renters were rackrenting the peasants and bleeding them to death. It was so under Tipu Sultan's revenue officials. It was on the basis of these exorbitant rents that the Permanent Settlement was framed. That is why many zamindaris defaulted, others changed hands, and a large number reverted to the Government during the period 1800 to 1850, when there was a great fall in prices. It must be remembered here that during those years the zamin ryots saved themselves and were comparatively better off than the ryotwari ryots, because their customary rents were paid in kind and not in cash; because the ryotwari pattadars had to pay in cash in this period, land revenue and cultivation fell to low levels in the period 1800-1850. I am saying all this to show that the customary rents at the time of the Permanent Settlement were predominantly in grain and if for the sake of argument it is assured they were fixed, then it is grain rent that must be taken to have fixed; and if it is to be fixed now it must be this grain rent on some equitable commutation agreed by the parties at present, and not in 1801 prices. The unconscionable grain rents of 1801 have no magic or sanctity about them.

"About the 1801 prices, I must say a word. There are not figures for all the districts. Even in those districts where they are collected, they were based on varying methods. In some it was retail price; in others wholesale. In some it was village price; in others town price. In some it was a monthly average; in others weekly average. The prices were not collected with regard to the quality or quantity disposed of and an index number based on such defective data is absolutely unreliable. It may be a crude index of the general trend. It can't form the basis of a commutation rate. A presidency average based on such data is bound to be even more unrepresentative; for in those days it was common for one district to suffer from scarcity and high prices and a neighbouring district to suffer from plenty and low prices. Until the Committee bring forth accurate prices of 1801 for all the districts concerned, how can they make a recommendation of this nature?"

"Sir, the report is a bulky one. It involves weighty and fundamental problems. So I had taken such a long time over it and you can see how much I appreciate the indulgence you have shown me. When I went through the historical documents presented in the Report, it struck me as if the academic world has lost a great archivist and historian in the Revenue Minister; but

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when I turned to the wonderful chapter on currency ratio, I felt it has lost a great economist too, and when I turned to the chapter on case laws and the intricate interpretations, I felt what great sin the Revenue Minister committed against the bar by depriving it of a great legal luminary. Verily, Sir, the Report bears the impress of a versatile genius. Only, in these days of division of labour and specialization of studies, we would have been much more sure of the data, reasoning and conclusions of the Report and would much less critically accept them if instead of one man combining all these functions, there were a scholar in history of land tenures and Professor of Economist, a jurist of acknowledged standing, etc., each separately studying and jointly collecting their conclusions. Therefore, Sir, before it is too late, let the House consider the possibility of appointing another committee which will really inspire our confidence.

"To me it appears as if there is going to be dictatorship of versatile geniuses. I say, this is even more dangerous than a dictatorship by retired officials, who have at least ripe experience to their credit.

"The present recommendations, however, are most reactionary, and let me administer a note of warning that the more this demon of reaction is propitiated the more it craves for, until it shall be satisfied with nothing short of the hot blood of revolutionary massacre. Let us not allow that to take place. Let us effect some real land reform. Let us not make legislation for merely catching the popular imagination. The poor tillers of the soil ask for bread; let us not give them stone. Let us be quick, but not hasty. We are reaping the fruits of one permanent settlement. Let us not make another; for it can be said of a permanent settlement what Shakespere said through the mouth of King Richard III.

'Look, what is done cannot be amended;

Men shall deal unadvisedly sometimes,

Which after-hours give leisure to repent'

Let us, not in our longing for immortality, hurriedly catch the shadow, giving up the substance."

* MR. J. A. SALDANHA:—"Sir, I would say that this is a revolutionary measure. I would call this Bill a Zamindari De-Capitation Bill. This is also what was done in France at the time of the French Revolution. All the aristocrats and moneyed people were guillotined and deprived of their lands and these lands were distributed among the masses as peasant proprietors. I must say that the intentions of the Government are not good in introducing such a measure as this: I have only to quote what my Hon. Friend the Education Minister said the other day when he presided over the Loyola College sports.

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3-45 " I shall quote his words as reported in the Press :
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" When I accepted the kind invitation of Father Murphy little did I think that on this day, at this very hour the Legislative Assembly of our Province would be discussing the important question of unsettling the permanent settlement, so familiarly associated with the name of Lord Cornwallis whom students of history characterise as one of American name and of Indian fame.

" But I hope this function will close early enough to give me time to rush back to the Assembly and enjoy the pleasure of having contributed at least one vote more (although it is superfluous) in the fateful decision of to-day, when the death-knell of the historic zamindari system will be sounded in the historic Senate House of our University."

This is rather jocose language, but describes really what is intended by the Ministry.

" When the motion for the appointment of the Committee to enquire into this subject came up before the Legislative Council on the 10th September 1937, I supported the suggestion made by the Rt. Hon. Srinivasa Sastri. He said :

" 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, 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 legislature could then venture into this very thorny field."

" I said :

" 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. . . . The wording of the resolution is simply this : . . . But 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. . . . I want to ask whether the Legislature is competent . . ."

What I predicted at that time has come true. Though the Hon. Mr. Prakasam protested against my 'insinuation' now they openly say that they are going to sound the death-knell of the zamindari system and extinguish the zamindaris practically. On this occasion I support the observations made so admirably by the hon. Member, Sir Muhammad Usman, and by my previous speaker. Sir, we must bear in mind the historical fact that the zamindari system had been existing for a long time in this country and that the zamindars were chieftains exercising very great powers before the East India Company came in and took possession of the Northern Circars and other territory. The British

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officials had been imbued with ideas of feudal proprietorship of the soil existing in England and also in India, and applied them to what had been existing previously in these parts of India. That is what is declared in Regulation XXV of 1802. These zamindars were declared to be proprietors of the soil. 'Proprietors of the soil' is a very big title. It carries the same status and the same rights of proprietorship enjoyed by the feudal lords and owners of land in England and countries governed by feudal laws. So far as the tenants were concerned, they had only a right of permanent occupancy with the liability to pay a fixed rent. I shall later on deal with the technical question what was the fixed rent that was to be paid.

" Now I want to draw the attention of the House to similar systems existing elsewhere. I do not want to go to Bengal. But in Bombay there is the Khoti system. These Khots were originally farmers of revenue and became proprietors of the soil afterwards. When the East India Company conquered the territory from the Peshwas they found these Khotis there exercising great powers as chieftains. They recognized them as owners of the soil and regulated the relationship between them and their tenants by several orders and regulations. They regulated the rights of the sub-tenant also. Ultimately in 1880, after some 50 years of discussion they passed the Khoti Act. The principles of the Khoti Act are applied to landlords in Colaba and in the island of Salsette of an analogous character. I may mention here that I dealt with several cases as a judicial officer. I have here the records of a case in which the judgment alone runs to about 150 typewritten foolscap pages. Over it came a very exhaustive judgment of the Bombay High Court (I.L.R., 48 Bombay 599), which with other rulings laid down certain principles with regard to the Khoti ryots and their tenants. In spite of all the defects in the system the Government of Bombay have not yet thought of extinguishing this Khoti system as is proposed by the Hon. Minister for Revenue here in regard to zamindars. So much has been said about the views of the two schools of thought which discussed matters at the beginning of the last century. The Hon. Minister for Revenue has been quoting authorities only for one side of the case. I want to read to you some passages from Sir Henry Maine from whom only one passage has been quoted. I will quote passages to show how that great lawyer and historian Sir Henry Maine in his well-balanced views has shown that the zamindars were not such big sinners as Mr. Prakasam wants to make out. I shall read to you one or two passages."

MR. PRESIDENT:—" Will the hon. Member take a long time? If he cannot finish before 4 o'clock I shall adjourn the House now."

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* MR. J. A. SALDANHA:—"This is a very important passage and I want to impress it on the Hon. Minister. At page 156, the passage reads:

'If it be taken for granted. . .'

MR. PRESIDENT:—"I am afraid the hon. Member will take a long time. If so I will have to adjourn the House now. The hon. Member may continue his speech on Thursday."

MR. J. A. SALDANHA:—"I want some more time, Sir."

MR. PRESIDENT:—"The House will now adjourn and meet again at 11 a.m. on Thursday, 2nd February 1939."

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APPENDIX.

[Vide answer to starred question No. 162 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 31st January 1939, page 283 supra.]

Statement showing the proposals for improvement to ports in 1938-39 and onwards.

Serial number and name of port.	Nature of works.	Amount of estimate. Rs.	Remarks.
1 Malpe ..	Hand dredging a channel to wharf No. 4 and constructing masonry retaining walls.	18,500	Sanctioned.
2 Hangarkotta.	Extension of wharf wall and reclaiming land for wharves.	26,200	Under consideration.
3 Calicut ..	Construction of a third pier	4 lakhs	
4 (i) Mangalore.	(i) Extension and reconstruction of wharf walls.	2.9 lakhs.	
(ii) Gangolli (Coondapoor).	(ii) Improvements to wharves	30,000	
5 Cocanada ..	(i) Extension of groynes	6.95 lakhs.	Postponed.
	(ii) Construction of wharf walls	68,000.	
	(iii) Dry dock	1.8 lakhs.	
6 Cuddalore ..	Training walls and groynes	4.1 lakhs.	
7 Adiram-patnam.	Extension of port road to beach	18,000	
8 Masulipatam.	(i) Dry dock	1.3 lakhs.	Under consideration.
	(ii) Miscellaneous improvements	2 lakhs.	
9 General for all minor ports.	Dredger for dredging open sea bars	4 lakhs.	
10 Calinga-patam.	Improvement to road	10,000	Proposal not yet received.
11 Bimlipatam ..	Improvement to the stacking platform and approach roads.	2,000	
12 Negapatam ..	Groynes	90,000	Sanctioned. Question of funds is under consideration.
13 Ponnani ..	Extending sea wall	60,000	Proposal not yet received.
14 Tellicherry ..	Renewing the decking of pier	1 lakh.	

THE MADRAS LEGISLATIVE COUNCIL

Thursday, the 2nd February 1939.

The House met in the Banqueting Hall, Government House, Mount Road, at eleven of the clock, with Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

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

REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE.

MR. PRESIDENT:—“The House will now resume discussion on the Report of the Estates Land Act Committee.”

“The hon. Member Mr. J. A. Saldanha has spoken at length the other day.”

* MR. J. A. SALDANHA:—“Sir, I spoke for only ten minutes on Tuesday. I shall be as brief as possible. Hon. Members need not be afraid of the number of books I have here; I shall quote from them only a few passages. One preliminary point I might raise is not by way of the question of *ultra vires* or anything of that sort. There are certain factors which make us rather suspicious about the judicial sense of the members of the Committee. First of all, I may tell that two members of this Committee belong to the Congress party who opposed the zamindars at the elections. Besides, it is rather very strange that the Hon. the Revenue Minister who will be in charge of the future Bill, should be the Chairman of this Parliamentary Committee.”

MR. PRESIDENT:—“The hon. Member is not, I hope, going to question the composition of the Committee at this stage.”

* MR. J. A. SALDANHA:—“I am going to say that this Report is vitiated; I say their conclusions are vitiated on account of these defects. Naturally, people who have to deal with this Report have got some lurking suspicion. Further I may point out that as this measure deals with land revenue, lands and encroachment on the rights of zamindars, it requires the previous sanction of His Excellency the Governor, under section 299 of the Government of India Act; and under the Instrument of Instructions to the Governors, it is necessary that this Bill should be submitted to the Governor-General after it is passed by the Legislature, for sanction. I am sure that these points were borne in mind by the Hon. Minister when he moved for the consideration of the Report. Members of the House should be allowed therefore

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much freedom and as much time as possible to offer their remarks. I am thankful to you, Mr. President, for giving us much latitude in speaking at length, so that when the Bill goes for the sanction of the Governor-General, His Excellency might have our views in print. Therefore, I venture to take the liberty to say as much as possible in as short a speech as possible.

"As I have remarked, Sir, this Bill is of a confiscatory character and very revolutionary; therefore we have to proceed very cautiously. I wish to take as judicial a view as possible with the experience I have had as a Judge, but with due regard to historical facts, the law, justice and equity, and not talk in a partisan spirit.

"The fundamental principles of the legislation of 1802 are turned topsy-turvy in the draft Bill; the person who was considered as a ryotwari tenant now becomes, as it were, a complete owner or absolute owner of the soil; the zamindar becomes only a revenue-farmer. The word 'zamindar' itself conveys that he is the holder of the land, not merely a revenue-farmer. He becomes only a farmer of revenue under the draft Bill. He is to be nothing but an officer of the Government. Thus, the position of the zamindar and the ryot under him are quite reversed. I submit, Sir, that this legislation will be undoing and unmaking history, and exploding legal positions of nearly one and a half century, erected on foundations laid long ago. The Madras Zamindari Regulation No. XXV of 1802, I may safely assert, regularized and legalized those positions in a most solemn manner by a statutory enactment under the orders of the Governor-General in Council and the Court of Directors. It was the result of a long and elaborate enquiry and prolonged discussion between two schools of thought as to the ultimate ownership of all lands vested in the State, and the necessity of legally assigning the ownership of the State to the highest landed aristocracy and protecting the rights and interests of cultivators under them. In support of this assertion I may quote passages from Sir Henry Maine's 'Village Communities.' I shall quote passages which have not been quoted anywhere else. This is what Sir Henry Maine says at pages 156, 157, *et seq*:

'If it be taken for granted that the English in India were bound to recognize rights of property somewhere, their selection of the persons in whom these rights should vest does not seem to have been as absurd as the adherents of one Indian school are in the habit of hinting, if not of asserting.'

Here the Hon. Minister is not hinting but asserting.

'Claims to some sort of superior right over land in fact existed which corresponded to every single stage through which the conception of proprietorship has passed in the Western world, excepting only the later stages. The variety of these claims was practically infinite and not only did not diminish, but greatly increased, as native customs and ideas were more accurately examined. Even when the village communities were allowed to be in some sense the proprietors of the land which they tilled, they proved on careful inspection not to be simple groups, but highly

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composite bodies, composed of several sections with conflicting and occasionally with irreconcilable claims. The English officials solved a problem of almost hopeless perplexity by registering all the owners of superior rights as landowners, their conception of ownership being roughly taken from their own country; but the fundamental question very soon revived under another form in the shape of the second issue disputed between the Indian administrative schools, which is, whether proprietorship in India is to be taken to be the same assemblage of powers which constitutes the modern English ownership of land in fee simple.'

I shall leave the other pages, pages 158 and 159 to be read by hon. Members. I shall, go to page 160:

'This subject is one of much practical importance, and I propose to treat of the more difficult problems which it raises in the next lecture; at present I will content myself with repeating that there seems to be the heaviest presumption against the existence in any part of India of a form of ownership conferring the exact rights on the proprietor which are given by the present English ownership in fee simple. There are now, however, a vast number of vested rights in the country, fully recognized by the English Government, which assume the identity of Indian and English proprietorship, and neither justice nor policy permits them to be disturbed.'

This is what was stated by Sir Henry Maine, a very judicious and learned lawyer and historian who, after his tenure as Law Member of the Governor-General's Executive Council, published his great work on village communities in 1876, long after he went away from India. It underwent several editions; this new edition is of 1890.

"Further he says:

'There is Indian evidence that the forms of property imitated from modern English examples have a value of their own, when reclamation has to be conducted on a large scale, or novelties in agriculture have to be introduced. The zamindars of Lower Bengal, the landed proprietors established by Lord Cornwallis, have the worse reputation as landlords, and appear to have frequently deserved it; but the grants of land originally made to them included great uncultivated tracts, and at the time when their power over subordinate holders was least limited, they brought large areas of waste land under tillage by the colonies of peasants which they planted there. The proprietorship conferred on them has also much to do with the introduction into Lower Bengal, nearly alone among Indian provinces, of new and vast agricultural industries, which, if they had been placed under timely regulation (which unfortunately they were not) would have added as much to the comfort of the people as they have added to the wealth of the country.'

11-15
a.m.

"Now, Sir, I may just read a passage from this small book called 'The Legal System of England,' by J. E. G. De Montmorency (Benn's Six penny Library Series); I think I should not be ashamed of reading from this book which, although it is so small, deals beautifully with the legal system in England. It says:

'The Wills Act of 1837 dealt with the whole subject, and is still the basis of the present law. It is also necessary to observe that there never has been since the year 1066, and even, it is presumed, since the passing of the Law of Property Act, 1925, there is not, anything in the nature, in England, of absolute ownership in land. The ultimate interest in all land was and is in the Crown. This is the necessary consequence of the feudal structure of the realm, and though legislation in 1662, and again in 1925, has reduced that feudal structure—a noble and

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elaborate structure of society that might have been likened to a vast medieval cathedral in the unity and beautiful purposefulness of its parts—to its bare skeleton, yet the outlines of the structure survive. Every man held his land of the King, and most men also held their lands of intermediate lords, who also were responsible to the King. On the estates of the King and of intermediate lords dwelt not only freeholders, who held their lands of those intermediate lords as well as of the King, but also men who were not freemen but had holdings of land with no legal certainty of tenure.

“Then, I can quote a passage from the book ‘Village Communities in India,’ by B. D. Baden-Powell, to show how far State ownership was adopted in India. At page 144, he says:

‘It may seem strange that in the progress of ideas regarding the State’s dealing with the land in India, it never occurred to anyone to utilize, rather than abandon, the State ownership of the land. It is well known that when land administration first came under the direct control of British officers in Bengal in the eighteenth century, it was a firmly established doctrine that the State was the owner of all land. Mr. James Grant in Bengal, even argued that this was legal and constitutional; and it is not certain whether Lord Cornwallis took this view or not. It is not necessary here to discuss the question as it may be argued from the texts of the Hindu or Muhammadan Law. It is quite enough to remember that long before the eighteenth century, *de facto* the right had been fully established, and is asserted to this day by all the Native States. Lord Cornwallis simply desired to abandon it, substituting the zamindar landlords, whom he found in managing possession of large estates in Central Bengal. These he hoped to see acting the part of benevolent owners, at once securing the State revenues and blessing their tenants by their liberality and kind dealing. . . . Not only so, but when in Bombay and Madras the individual holding was separately dealt with (without the intervention of any middleman proprietor or joint responsibility), and when the supreme ownership of the State was maintained, or at least not formally abrogated, still no restriction was placed on the power of alienating the permanent hereditary occupancy, which for all practical purposes was as good as ownership. It might have occurred to someone in authority to think that the State ownership should be formally retained for beneficial purposes, to prevent the ignorant agricultural classes from losing their lands. The State would, in fact, have retained the *nuda proprietas*—the bare ownership of the soil—while giving all the practical benefits to the village co-sharer or the ryot cultivator; and the effect would have been that the holder could not sell the land which was not his, and moreover, by express enactment it might have been provided that he should not sell (or charge beyond his own lifetime) the occupancy or cultivating right in the holding.’

Now, Sir, the term ‘proprietary right’ has not been defined, and causes a lot of perplexity. But the Madras Legislature which enacted a recent Act, in 1905, I think serves the purpose and explains the position clearly, both of the ryots and of the Government. That is the Madras Land Encroachment Act (Act III of 1905). It reads:

‘1. This Act may be cited as “the Madras Land Encroachment Act, 1905.” It extends to the whole of the Presidency of Madras.

‘2. (1) All public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water-mark, and of rivers, streams, nalas, lakes and tanks, and all canals and water-courses, and all standing and flowing water, and all lands, wherever situated, save in so far as the same are the property—

(a) of any zamindar, poligar, mittadar, jagirdar, shrotriyamdar or inamdars, or any person claiming through or holding under any of them, or

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(b) of any person paying shist, kattubadi, jodi, poruppu, or quit-rent to any of the aforesaid persons, or

(c) of any person holding under ryotwari tenure, including that of a janmi in Malabar, or of a wargdar in South Kanara, or in any way subject to the payment of land-revenue direct to Government, or

(d) of any other registered holder of land in proprietary right, or etc.’

So, all except these have been declared to be the property of the Government. Here the zamindars are recognized as the proprietors just like the Government; we have the words here:

‘of any zamindar, poligar, mittadar, jagirdar, shrotriyamdar, or inamdars or any person claiming through or holding under any of them.’

So, the question is whether ryots holding under the zamindars have any rights over the property or lands they so hold. I do not want to commit myself to any view; I am simply placing these points before the House for consideration of the difficulties that confront us, and for finding out what is proprietorship of the soil and who is the proprietor. There is no such thing in English law as absolute ownership of any land. What the English law recognizes is an estate. The Regulations which established the zamindars’ rights say that the proprietor of the soil is the zamindar. At the same time it is rather strange, and I am rather puzzled, that the term ‘estate’ has not been defined in the Estates Land Act. It is simply said that permanently settled estates and zamindaris are estates. The Regulations recognized the proprietorship of the zamindars, but the 1908 Act simply said: This Act is intended to define the relationship as between so and so, etc. Why it is not laid down that the zamindar was the proprietor of the soil, is a mystery. As I said, the Land Encroachment Act was passed in 1905 and the Estates Land Act was passed in 1908; therefore, I think there was a deliberate intention to recognize the zamindars’ rights. The Land Encroachment Act stated that Government were the owners of all public roads, streets, etc., but they also said that they were not the owners of certain lands held by zamindars, etc. Therefore, I consider the Land Encroachment Act—although it has not been much referred to, I think it has not been referred to at all in the Report—is a sort of *Magna Charta* to all holders of property.

“According to the Report of the Committee, the aim of the authors seems to be to give the ryots in zamindari tracts the same rights as the ryots in ryotwari areas; but it really goes further, as I shall show later, and gives higher rights to the zamindari ryots than what the Government ryotwari-holders now possess. What is ryotwari, has been described by several writers; but the most important thing to be borne in mind is old Standing Order No. 25 of the Board’s Standing Orders, which has recently been re-numbered as Standing Order No. 28. According to it, the ryot is treated as proprietor of his holding of the land; but at the

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same time, so far as minerals and mines are concerned, it is provided that he can work the mines provided he pays separate assessment or royalty. It also exists in England. It is due to the fact that British-Indian Statute law and the English law recognize the King as the overlord, the highest lord of the land. He is entitled to royalty. Therefore, complete proprietorship of the soil is not given to the ryots, but at the same time, Regulation XXV of 1802 gives the right to mines to the zamindar, and no royalty is to be paid to the State because the zamindar is—I hope I have made myself clear—taking the place of the Crown: he has simply to pay a quota of the revenue. Otherwise, he has the same rights as the King, over zamindari lands.”

MR. PRESIDENT:—“It is nearly half an hour, Mr. Saldanha.”

* MR. J. A. SALDANHA:—“I shall take only ten minutes more. I have got very little more to say.”

MR. PRESIDENT:—“There are so many other members who are anxious to speak.”

* MR. J. A. SALDANHA:—“I think we were told that we can proceed till to-morrow.” (Laughter.)

SRI B. BHIMA RAO:—“A time-limit may perhaps be placed, Sir, for every speech.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“I wish to submit, Mr. President, this is an important matter and we in the Opposition are in hopeless minority; we are only very few members here, and I hope you won’t grudge to give sufficient time to the minority; even if one member takes one hour, I think you will allow it.”

* MR. J. A. SALDANHA:—“Therefore, I shall confine myself to one hour, Sir.” (Laughter.)

MR. PRESIDENT:—“That was his suggestion; I have not given my ruling on it. You can go on for another ten minutes or so.”

11-30 a.m. * MR. J. A. SALDANHA:—“Sir Henry Maine, quoting Manu, says in page 296 of his ‘Village Communities’ that the ryots use the lands adjacent to their own for purposes of grazing and wood-cutting but that they did not claim them as their own. The right of granting it to others vests in the chief or the village headman. As such I contend that such rights automatically vest in the zamindars and not in the ryots. But I fear the majority are giving rights to the zamindari ryots far beyond any that are

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enjoyed by Government ryots in the British territory. If we are giving them any right, it must be borne in mind that those rights ought not to exceed any that are being enjoyed by the ryotwari-holders under the British Government. But, on the contrary, the majority think of giving the ryots the right to the lands up to the heavens above and deep down below. One may wonder why they are giving such rights when such rights are not enjoyed by the ryots under the British Government. When they are making such very generous recommendations with regard to others, I would ask them why such rights, even the limited rights that the ryots of the South Kanara were enjoying hitherto, have been cut down. If the Minister for Rural Development were here I would have asked him that question and would have appealed to him that such rights, if granted in the zamindari areas, should also extend to the ryotwari areas of the Government, especially to the South Kanara district. Even authors of such repute as Sir Henry Maine and Baden-Powell have always recognized the rights of the ryots of South Kanara.

“Finally, Sir, there is another point and that is that this Committee wants to undo and unmake history and make new history. They say that everything in the past, except in so far as it suits them, is wrong. How, I wonder, can history be wrong if facts are accurately stated and interpreted? The Regulation of 1802 has given the right to the soil to the zamindars. You cannot unmake history, Mr. President. On the contrary, you should learn from history that when results of historical facts were sought to be undone, different measures were adopted. I would only cite the case of Ireland. Great injustice was done to the Irish people by their lands having been taken away by the English landlords. Not only were they conquered but their lands were taken away from them. It was an initial error but how was it made good? Even the Conservative Government of Great Britain decided that in the matter of restoration of such lands compensation should be paid to those whose rights had been extinguished. And the dukes, lords and other aristocrats who owned lands in Ireland were paid compensation. You can follow that example. You can no doubt pass a Decapitation Bill and take away the rights of the zamindars. But you should also see that compensation is paid to those whose rights have been disturbed. I appeal to the Hon. the Minister for Revenue—himself a lawyer—not to forget the laws of evidence, estoppel and limitation relating to the ownership of property vesting in a person according as he enjoys it under certain conditions for twelve years or twenty years as the case may be. It is not as if the rights that you are now recommending to be taken away have been enjoyed by them for only twelve or twenty years. They have been enjoying the rights legally for nearly 150 years and in fact even before with the deliberate acquiescence of the State.

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“As to increase of rents, I may assert that the zamindars have done no more than what the British Government have done. Regulation II of 1802 required proposals for the increase of revenue and proposals were of course submitted by Collectors and such increase went on from time to time. We see that in South Kanara people are paying nearly three times as much revenue as they paid in 1802. When this was the case in British ryotwari areas, it was followed by the zamindars. Even if the zamindars were wrong, I am only asking why they were tolerated for such a length of time without being shown their place in the economy of the land. Viewing things against a historical background, I should appeal to the Hon. Minister that what is required is that there ought to be a re-adjustment of relationship as between the zamindars and the tenants, if any re-adjustment be needed, and not a wholesale confiscation as is sought to be perpetrated just now. It is imperative that the condition of the ryots should be improved and we should not be so unreasonable as to think that the zamindars would not submit to some sacrifices especially when the welfare of the tenantry is involved, a tenantry which is the food growers of the nation and which does contribute to the welfare of the country. But we should not do injustice, as rights have grown for more than a century; and in giving some relief to the tenantry, principles of equity and justice should be borne in mind. That is my appeal to the House. The Bill that is appended to the Report does injustice to a class of people; it is confiscatory. I believe it is an injustice which we should not do and which this House is not capable of doing.”

DR. SIR K. V. REDDI NAYUDU:—“Mr. President, I may at the outset submit to the House that I do not propose to enter into all the details of the various matters so exhaustively discussed in the Report before us. The Committee by a gigantic effort has accomplished the Herculean task of collecting an incredibly large amount of material which is an inexhaustible source of information, almost an encyclopædia of which the contributors may legitimately be proud. I do not agree with many of the conclusions arrived at by the majority, but that does not in the least prevent me from offering my congratulations to the Hon. the Minister for Revenue and those who must have helped him in this gigantic undertaking. The records supplied to us in the 18 volumes, as you know, cover 6,000 foolscap pages of closely printed matter and deal with issues of a very complicated nature. It was not in the least possible for me to study all these papers, though more than two months have been given to us; it would perhaps take four or five months for anyone who wanted to make a thorough study of these documents. I do not pretend to have made such a study and I do not therefore propose to go into the various issues, but would content myself with making a few general observations at this stage.

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“Nor do I think that a detailed discussion is called for now. The Bill that is submitted by the Committee is only a draft Bill intended for the information of the Legislature. It is not yet introduced. That responsibility rests with the Government. They may make changes before introducing it in this House or in the other; they may not introduce the Bill at all, or they may introduce the Bill in its present form. The issue will then be clear and specific and it will be more convenient for us at that time to tackle the Bill clause by clause and give expression to our opinions on each clause. We are more concerned with the Report now and with a general discussion thereon.

“Some of the recommendations of the Committee are not clear enough to enable us to express any definite opinion. Mr. Narayanaswami Nayudu, a member of this House and who was also a member of the Committee, says at page 353 of the Report:

‘The real question, however, is what was permanently fixed as against the ryot? Before stating my ideas in the matter, it may perhaps be more advantageous to find out and know what is the majority report on this matter. With the greatest possible attention that I can give to the majority report and with the utmost respect for it, I find it difficult to know exactly the position in the report.’

Again on page 354 he says:

‘The third class of villages are villages the lands in which were paying a share of the produce or a fixed grain rent prior to fasli 1210 but in which money rents were introduced subsequently and are at present existing. That is by far the most numerous of the villages under the Permanent Settlement. I am absolutely unable to understand what the recommendation of the majority is in respect of the lands in these villages.’

Mr. President, you can realize our difficulty when you find that a member of this Committee itself was not able to understand clearly what the recommendation of the majority of the Committee in this particular respect was; it must naturally be more difficult for those who have not attended the meetings of the Committee. I am saying this just to show how difficult it is for us to follow within the time at our disposal what exactly the Committee meant in certain matters dealt with in the Report.

“Before making my observations on the recommendations made by the Committee, may I respectfully submit that the Committee appointed by the two Houses is not exactly the kind of Committee that is wanted in a matter like this? Members of this House or the Assembly belong to one party or other. Their minds must have long ago been made up by themselves or by their party leaders; and when we remember that so far as the majority party in the present Legislature is concerned, discipline is its essence, we can understand that they must vote according to instructions, even though any member holds views different from those of the party. I do not impute any partiality to any member of the Committee. I have the greatest respect for them but it is difficult to

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get over the impressi-on that when party politicians are appointed as members of a Committee in a matter like this, it would be difficult to expect that anything like a detached consideration could be bestowed upon the problems on which they are asked to express their opinion. It is only an independent Committee, consisting of outsiders who do not belong to any of the political parties in the country, such as for instance Judges of the High Court, retired or in active service, and also highly placed permanent officers of the Government who have had sufficient Revénue experience, that can make a dispassionate and impartial recommendation. Unfortunately on this Committee no such member is to be found. When it is a Committee of the House or of the two Houses, naturally it is impossible to secure such members to serve on it.

"The Report is of course not unanimous. Five out of nine members from the majority of one and have converted the Report into a majority report. The remaining four have submitted dissenting minutes. And these dissenting minutes contest almost all the important recommendations made by the majority. Mr. Mahboob Ali Baig, in his dissenting minute, observes that the vested rights of zamindars cannot on principle be summarily done away with and that compensation must be paid to them if they are deprived of such rights (page 34). Again he says that 'there is overwhelming evidence adduced on behalf of the ryots that the present situation of the ryots will be considerably met if ryotwari rates are introduced in the zamin areas,' and he adds that 'the zamindari ryots will get considerable relief and, as they stated before the Committee, they would be satisfied with this relief for the present.' (Page 342.) At page 343 he says that all whole village inams should be treated as estates, and that the chapter dealing with this matter in the majority report was 'the most disappointing chapter,' and that it was based on a 'fundamental error.' At page 345 he says, 'My view with regard to hills and forests is dependent upon the view I have taken that the conditions prevailing in the ryotwari areas shall be made applicable, as far as possible, to the zamin areas till such time as zamindaris are eliminated by payment of compensation for the rights that the zamindaris have been enjoying in hills and forests.' Mr. Narayanaswami Nayudu in his dissenting minute would allow mineral rights to remain with the proprietor (page 351). He also says that no case has been made out for the change of law as regards inams. The zamindar of Mirzapuram naturally enough goes the whole hog and objects to all the main recommendations of the Committee. It will thus be seen that the Report before us is not only not unanimous but contains very divergent opinions on the most vital issues. Whatever Mr. Rangaswami Ayyangar spoke yesterday, all those who heard him can clearly see that he was entirely against the recommendations of the majority report. As

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he said the only reasonable course open to the Hon. Minister is to abolish the entire zamindari system and pay such compensation which any reasonable body would give them.

"Before I proceed further, I may assure the House that I yield to none in my desire to help the zamindari ryot as much as the ryotwari ryot. Both need great help just at this juncture. The fall in prices of commodities produced by them has created a great depression from which it has not been possible for them to recover. I am therefore strongly of opinion that rents in various cases have to be reduced to a reasonable extent—to an extent that it might be said to be fair rent. Provision should be made for the grant of remission in lean years. Zamindars should be compelled to make improvements in irrigation facilities. Forest grievances should be redressed and the zamin ryot should be placed on a par with Government ryot in matters pertaining to forests. Survey of lands in every estate should be ordered; the joint patta system should be abolished; care must be taken to see that the village officers do not give any trouble to the ryot in the matter of kist collection; the distraint and sale procedures must be changed. These and similar reforms are absolutely necessary and I for one heartily and most willingly support the demands of the ryots in these directions.

"The recommendations of the Committee, however, are of such a revolutionary character that it would not be possible for me to accept them *in toto*. The zamindars have enjoyed certain rights for over 130 years and the Committee by one stroke of the pen wants that those rights should be cancelled. What is the reason? Is it solely on account of the desire to improve the position of the ryot, or is it due to the political creed of the members forming a majority in the Committee? It seems to me, Sir, that the wedge of communism, driven so cleverly into the body of our social structure and polity by the Debt Relief Act, has further received by this Report some more hammer blows, so that it may not take long for the entire disruption of that polity and the disturbance of the existing social order.

"The majority report says that the ryot is the owner of the land. That is so in Government villages. Can it be so definitely and unreservedly—mark the words, Mr. President—stated in the case of zamindari ryots? Does the existence of the zamindar, the intermediary, make no difference? This is not to say that the zamin ryot is not the owner of land at all. The zamindar has been recognized by the Permanent Settlement as the proprietor of the zamindari area. The Permanent Settlement Regulation of 1802, the instructions given to the Collectors under that Regulation, the Patta Regulation, XXX of 1802, various Regulations passed about that time, like Regulation IV of 1822 and the Revenue Recovery

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Act of 1865, the Estates Land Act of 1908 and the decisions of the courts of justice in this country for the last 137 years have all recognized the zamindar as the proprietor of the land. But to-day we are asked to believe that all these things are wrong, that the learned judges, the experienced administrators responsible for these, have all committed a blunder. This, it seems to me, Mr. President, is too big a pill to be swallowed by any responsible man.

“ Throughout his speech and in many portions of this Report, the Hon. the Revenue Minister relied upon two documents and the speeches of two gentlemen—the documents to serve as his Vedas and the two gentlemen to serve as commentators thereof (Laughter). Regulation XXV of 1802 and Regulation XXX of the same year are the Vedas, or the Upanishads, if he so pleases to call them (Laughter); and his commentators, Bhashyakaras or Sutrakaras (Laughter) whatever he may call them, are Mr. Crole and Mr. Forbes. Now if you make a close study of these two documents, that is, Regulations XXV and XXX and also the two speeches, you will see that they do not in the least support the statement made by the Hon. the Revenue Minister. I contend that these very documents very clearly disprove the two main propositions on which the Hon. Minister lays emphasis. The first proposition is that the zamindar is a mere rent-farmer, a public official, an agent like the agent whom you meet with in Madras going from house to house and collecting rent; and the second proposition is that the owner of the land is the tenant, and not only that, that the rent has been fixed permanently and unalterably and for ever under the Permanent Settlement. Both these propositions are disproved by the very documents and the very speeches on which the Hon. Minister relies.

“ Let me now get back to these speeches and Regulations. First let me take the Regulations. Singularly enough, in the Report at page 50, the majority members quote a portion of Regulation XXV—in fact half a sentence—and then they quote the preamble of Regulation XXX, and by some magic performance they want us to read this half sentence quoted along with the preamble of another Regulation. Now I would like to place before this House these two Regulations and show how they differ from the contention raised by the Hon. Revenue Minister. At page 82 of the Appendices volume, the preamble of Regulation XXV of 1802 runs thus. I do not wish to trouble the House by reading the whole of it; I shall only read the relevant portions, but should my attention be drawn to anything else, I shall be only too glad to read it. This preamble only shows that before the British took charge of this part of our country, the previous rajas, the *Sarkar*, as they used to call them, used to make demands upon zamindars, princes and chieftains according to their needs and not on a fixed basis. The servants of the Company discovered this, and found such a

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system inconvenient not merely to the zamindar and their tenants but also to the Sarkar itself. And moreover, it was just then that the English had got power, so they did not know how to consolidate it; they did not know exactly their own rights and that is admitted by these commentators. In order that there may be something definite, they passed this Regulation XXV to settle the relations between the zamindar and the Sarkar. That Regulation has nothing to do with the tenants. That must be made clear, and therefore they stated that the amendment of peshkash should be definite and unalterable and for ever. I shall now read the sentence; or rather, perhaps to avoid any mistake, I had better read from the beginning:—

‘Whereas it is known to the zamindars, mirasidars, ryots and cultivators of land in the territories subject to the Government of Fort St. George, that, from the earliest until the present period of time, the public assessment of the land revenue has never been fixed; but that, according to the practice of Asiatic Governments, the assessment of the land revenue has fluctuated without any fixed principles for the determination of the amount, and without any security on the zamindars or other persons for the continuance of a moderate land-tax; that, on the contrary, frequent inquiries have been instituted by the ruling power, whether Hindu or Muhammadan, for the purpose of augmenting the assessment of the land revenue; that it has been customary to regulate such augmentations by the inquiries and opinions of the local officers appointed by the ruling power for the time being; and that in the attainment of an increased revenue on such foundations, it has been usual for the Government to deprive the zamindars, and to appoint persons on its own behalf to the management of the zamindaris, thereby reserving to the ruling power the implied right and the actual exercise of the proprietary possession of all lands whatever; and whereas it is obvious to the said zamindars, mirasidars, ryots and cultivators of land that such a mode of administration must be injurious to the permanent prosperity of the country by obstructing the progress of agriculture, population and wealth and destructive of the comfort of individual persons by diminishing the security of personal freedom and of private property; wherefore, the British Government, impressed with a deep sense of the injuries arising to the State and to its subjects from the operation of such principles has resolved to remove from its administration so fruitful a source of uncertainty and disquietude, to grant to zamindars and other landholders, their heirs and successors, a permanent property in their land in all time to come, and to fix for ever a moderate assessment of public revenue on such lands, the amount of which shall never be liable to be increased under any circumstances.’

“ Now, Mr. President, on page 50 of the Report, the Committee ingeniously enough does not quote the whole of the last sentence, but merely picks out a clause of it. It says on page 50: 12 noon.

“ The last clause to the preamble in Regulation XXV of 1802 runs as follows:—

‘And to fix for ever a moderate assessment of public revenue on such lands the amount of which shall never be liable to be increased under any circumstances.’

“ What is it that is fixed? The unusual feature is that that portion is not quoted and then they go on to tell us:

‘To understand the full meaning of these words, we must refer to the preamble of Regulation XXX of 1802 that was passed on the same date.’

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"What has this got to do with the other one? I shall presently refer to it. What I want to submit in this connexion is this. By what stretch of imagination can it be suggested that the last sentence here has any connexion whatsoever to any relations between the landlord and the tenant? This is intended, as its name implies, as a Permanent Settlement to fix the relations between the Government and the zamindars. Now, Mr. President, the words 'proprietary title to the land of the zamindar' are the words used there. Very many commentators have been cited from the year 1802 right up to the year 1898. These wonderful gentlemen from England who had come here as the Company's servants, who did not know anything more than how to make more money out of the commodities they sold, they are the authorities who are cited and we are told that these wonderful gentlemen thought that the zamindar was not more than a rent-farmer, tax-gatherer, an agent, an official! These are the authorities. How far they are right, I shall presently explain.

"Sir Henry Maine has been quoted by Mr. Crole himself. I have to refer to Mr. Crole himself a little later. But, how did Mr. Crole quote Maine? Mr. Crole quotes what Sir Henry Maine said in his 'Village Communities.' Mr. Crole's speech is given in full in the Addenda to the Appendices supplied to us. I am quoting from that speech:

'The assumption which the English first made was one which they inherited from Muhammadan predecessors. It was that all the soil belonged in absolute property to the sovereign and that all private property in land existed by his sufferance. The Muhammadan theory, and the corresponding Muhammadan practice, has put out of sight the ancient view of the sovereign's rights.'

Now Mr. President, the curious theory put forward, this theory of ownership of land belonging to the State, to the King, whoever he may be, or the sovereign, is a mistaken one; that the ancient Hindu rajas never had such rights, that the Muslims assumed that right and that the English Government officers fell into the mistake; that the Muslim rulers were not right in their demands and therefore, the whole thing has no basis and that it is based upon a false theory: all this is wrong. What does it matter for our purpose, I would like to know. Whether the British were right or wrong in their assumption that the King was the full owner, whether the Muslims were right or wrong, whether the Mogul Emperors were right or wrong, the fact remains that the British were the conquerors, and, as a conquering power, they had the power to dispose of the land. We cannot question as to what right they had to dispose of the lands. They had every right when they gave full proprietary rights in these lands to the zamindars and they were entitled to do it. I beg to submit any arguments of a previous theory of what Manu said—Manu has said so many things, fortunately we do not follow all of them

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to-day; otherwise, perhaps I might have no right to remain here—will not hold good. Let us leave all these alone. The fact remains that the British were the conquerors and the British had the right to dispose of the land as they liked; and they disposed of it in this way, namely, granting these zamindaris.

"Now, with regard to the zamindaris, there seems to be a misapprehension in many quarters, in spite of the many statements in this House by hon. Members, that it was the Permanent Settlement for the first time that brought these zamindars into existence and therefore they were only officers of the Company and mere agents to collect rents. These very papers clearly show and history tells us that some of these zamindars were long before in existence as rulers of the soil, long before the British set their feet on Indian soil. In those very reports of these great notorious Company officials, they themselves admit that some of them were exercising criminal and civil powers, and to call them mere agents to-day is, I submit, absolutely incorrect.

"Let us get back to the other Regulation, Regulation XXX, otherwise called the Patta Regulation. It is intended to define the relations between the landlord, that is the zamindar on the one hand, and the ryot on the other. That system continues to this day, because, pattas and muchilikas are essential in order to enable the zamindar to collect his dues. It became necessary at the very outset, because most of these zamindars—whenever there was a marriage in the house of the zamindar, or when the Sarkar wanted more money from the zamindar—took care to collect as much as they could from these tenants probably with the help of the karnam or the village officers, because there were no pattas or muchilikas or any accounts. Even to-day these things occur. I do not know whether many hon. Members are aware of these; I have known zamindars who send chits to their Diwan to send Rs. 5,000; this may be required to purchase a horse at the race course or for any other purpose—with that we are not concerned. The fact remains that at the time before the British took charge of the country the exactions were undefined, arbitrary and changed from time to time.

"Let us have a look at the Regulation and see if it supports in the least the view taken by the Hon. Minister to the effect that the rent payable by the tenant has been fixed, or even that the tenant is the owner of the soil. The first proposition now before the House is whether the zamindars are mere agents and whether the owner of the soil is the tenant. The second is that the rent payable by the tenant to the zamindar was fixed so early as 1802 and that it was fixed by these Regulations. I contest all this. All these papers, and all these documents really support my contention and not that of the Hon. Minister. Now let us have a look

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at this. The preamble which was quoted on page 50 of the Report does not contain a word about fixing of the rent. On the other hand, I have just now read to the House the preamble to Regulation XXV which settles the relations between the zamindar and the Government. The Report clearly states that the rent is fixed for ever; but no such thing appears here. I have carefully read the preamble and that is why I take it that in the majority report they coolly quoted that half-a-sentence from the other preamble of Regulation XXV and say that it must be read with this. I submit that apart from the mere fact that there was a definite unalterable statement in Regulation XXV, stating that the peshkash to be paid by the zamindars is fixed for ever and in perpetuity, you do not find a single word in this preamble or any clause which purports to show that the rent that might be payable by the tenant is fixed and unalterable. On the other hand, Mr. President, the very fact that this Regulation provides for an annual patta is proof positive that it was intended that it must be left to the option of the tenant on the one hand and the zamindar on the other to fix the rent from time to time; if the zamindar is not willing he will send out this man; if the tenant is not willing to pay the rent which the zamindar demands, he will clear out and go to another village, if necessary. Let us have a look at this Regulation. Section 12 of the Patta Regulations says:

'Pattas executed for one year shall be renewable at the expiration of the fasli, but shall be considered in force until renewed. Unless pattas be renewed within two months after the commencement of the ensuing fasli, they shall be considered in force and binding on the respective parties throughout the fasli, provided such delay may not have been produced by the actual refusal of either party to execute the engagement.'

"It is a contract from year to year between the landlord and the tenant that is contemplated in this. If it really does mean that the land belonged to the tenant and that the rent payable to zamindar was fixed for ever and in perpetuity, then there is absolutely no need for these pattas and muchilikas. In the Government villages when once a settlement is made, whether it be thirty years or any period, when once the rate is fixed in settlement no other account is kept, the village karnam's account is the only account that is maintained. Why is not that procedure followed here? In the case of the zamindars from 1802, right up to this date, pattas and muchilikas must be executed every year, and the intention of this Regulation is clear as crystal that no such thing as a permanent settlement of rent was ever contemplated by the authors of this Regulation.

"Again, Mr. President, my Hon. Friend, the Minister for Revenue, relied upon, I believe, sections 7 and 9 of this Regulation. I will read them and leave the House to say whether by any stretch of imagination it can in the least be suggested that this section 7 helps him in arriving at the conclusion to which he wants

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the House to come. Section 7 says, 'Proprietors or farmers of land shall not levy any new assessment or tax on the ryots, under any name or under any pretence; exactions other than those consolidated in the patta, or otherwise authorized by the Government, shall, upon proof, subject the proprietor or farmer to a penalty. . . . Well, the very object of this Regulation is this that the tenant should enter into engagements with the zamindar as regards the terms of his occupation of the land. But these zamindars were the ancestors of the present zamindars and they never cared for these engagements and they wanted something more from the tenants than what they were entitled to under the engagements. In order to prevent that, this was introduced. 'You are entitled only to that much which your muchilika gives you and nothing more, and if you collect anything more than that, you will be liable to fine.' To say that this is fixing the rent permanently is more than I can comprehend.

"Let us come to section 11. I do not know why section 11 is relied on. The Hon. Minister may be thinking of section 9. Let us read section 9: 'Where disputes may arise respecting rates of assessment in money or division in kind, the rates shall be determined according to the rates prevailing in the cultivated lands in the year preceding the assessment. . . . That is where there is no agreement. Disputes can only arise where there is no patta or muchilika exchange. The zamindar may say, 'Give more.' The tenant may give very little. This can apply only for one year. Next year, he may exchange the patta or apply for new terms or he may succeed on the death of another tenant. Therefore it is they say for that year the rent must be that which was fixed during the previous year. Let us not forget it. This was passed in 1802 so that the previous year was the year which was taken for peshkash and other things. It is so in the Estates Land Act. To-day also we have got that. Where a new tenant comes in either by accident or by the death of somebody and he takes his place, whatever that may be, to say that section 9 would help the construction is something incredible to me. In Regulation XXV, they have put in black and white and in so many words, definitely and unequivocally and boldly that this shall be the peshkash fixed for ever. If the same was intended with reference to rent payable by the ryot, what prevented them from putting it in? Both were issued on the same day and both were prepared by the same officers; why was one clear and why was not the other clear? That one argument is quite sufficient.

"I will only refer, Mr. President, to the remaining sections of that Regulation. Section 13 says: 'Where estates or parts of estates may be sold or transferred for the liquidation of arrears of rents or revenues due to the Government, such pattas as may have been granted by the former proprietor shall cease to have effect.'

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Now that is another clause which clearly shows that the tenant cannot claim to have any vested interest in the land at that time; because this clause says, if, by transfer or sale, the peshkash is not paid and the Government has brought the estate to sale, it is not open to the tenants in such cases to say, 'We have a patta from the previous zamindar.' If the zamindar was not the proprietor, how can it be said that the patta is not binding upon him beyond the year for which it was intended? This clause says that beyond the current year, it is not binding. It shows that it is open to the new zamindar to take him as his tenant or not. It is open to the zamindar to fix his own terms. This clause clearly puts that. Under those circumstances, Mr. President, to say that these Regulations support the tenant is unsustainable. Let me not be misunderstood. It is not that I want the zamindar to be the proprietor, it is not that I do not want the tenant to have the right. Historically speaking, it is not for them to say that. One can very well understand why this new device is introduced. I think the cat was let out of the bag by the Hon. the Minister himself. This is a ruse to cover the eyes of men who want to look at all things squarely. They know full well that there are difficulties in interfering with the Permanent Settlement. The matter was represented in the Select Committee of the two Houses of Parliament. There were passages there; and what is more, in the instructions given to the Governors and the Governor-General, there is a clause saying that where any legislation affects the Permanent Settlement, the Governor should not give his assent to it, but must send it for the consideration of His Excellency the Viceroy; and in the Instructions to the Viceroy, there is a similar clause to the effect that he cannot give his assent, but must reserve it for the pleasure of His Majesty. Not knowing what the Secretary of State might recommend to His Majesty, you wish to get over the difficulty by saying that we have not touched the Permanent Settlement. By a clever device the majority report wants to get over this hurdle and wants to show there is no hurdle at all. There it is staring now at us. As Mr. A. Rangaswami Ayyangar honestly pointed out, be honest and I will join with you, abolish the zamindars straight, give them compensation to be determined by an impartial authority. That is an honest course.

"Mr. President, I shall now refer to Kallukapattas. Since I used the word 'Vedas,' I will come to Bashyakaras, the Hon. Messrs. Crole and Forbes. Now what is it that both these gentlemen have told? They tell us that all those that preceded them were wrong. They unearthed some report, some communications to the Government at Home and some communications to the Viceroy. They are all gentlemen who had come from England, not as big officers as at present, but as respectable merchants whose

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one eye was to make themselves called Nawabs, as they were at a later stage. They tell us that Muslim rajas were wrong, as if these gentlemen with their six weeks' knowledge in India knew more than the Moguls! It suited them to say these things and they said it.

"Before we come to that, let me quote a few passages from Mr. Crole himself. I would like to quote the sentences first and comment later. He says:

'The Governor-General in Council distinctly informed the Madras Government . . . that "the acknowledgment of a proprietary right in the zamindars existing, or those to be created, was not to be allowed in any respect, to affect the rights of the ryots or others who had hitherto been in any respect subject to the authority of the zamindars, or other landholders.'

"What does it show? It shows that the proprietary right of the zamindar is clearly recognized. It does not say that there is any proprietary right in the tenant. Again:

'Lord Cornwallis charges these evils so far as they exist (and we think, with great justice) upon the old system, as a system defective in its principles, and carrying through all the gradations of the people, with multiplied ill-effects, that character of uncertain arbitrary imposition which originated at the head. He therefore very properly contends that reform must begin there; and that in order to simplify and regulate the demands of the landholders upon their tenants, the first step is to fix the demand of Government itself. I trust that I am not making myself wearisome to the Council.'

"I too trust I am not making myself wearisome to this Council just now:

'But on an intensely serious occasion like the present, when the Council is asked to do what, under normal conditions, ought to have been done 100 years ago.'

"Let it be remembered, Mr. President, that this is a speech which Mr. Crole was making in the Legislative Council in the year 1898. We were students at that time, but we knew something about what was happening at that place. But it is unnecessary to refer to those matters. What does Mr. Crole say here? He says that 100 years ago the matter should have been clinched, the matter should have been settled, the matter, namely, of fixing the rates permanently. The rates or the rents which the tenant has to pay to the zamindar should have been fixed 100 years ago. Does it not mean that all these 100 years it has not been done and that Mr. Crole is there coming forward and telling people and the Government, 'This ought to have been done 100 years ago.' We have not done it; let us do it now. A clearer proof is unnecessary to show that during all these 100 years, Government have not done their duty. The Government have failed to fix rates. The tenants' rates should be fixed. Just now my friend stated that for hundred years they have not done it. He is trying to do it. You can have our co-operation only in a straightforward manner and not in this round about manner of seeing the nose like this

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Mr. President, after all what did he do? Like Uttarakumara he had not the slightest hesitation to make up his *prathigna*. He says: 'Though my predecessors have not done it, I will do it to-day. Let this Council pass it to-day. Where is this Bill of 1898?' It shared the fate of all the Bills and documents. It was left to Mr. Forbes to do the trick, though he failed to do his bit. That which both Messrs. Crole and Forbes failed to do, it is given to the present Minister to do. If he takes courage in his own hands and says, 'I have got the right, the State has got the power,' we can do it and we will do it in a straightforward manner, not by denying actual facts that have taken place, not by forgetting the whole history of centuries, not by forgetting decisions of the courts of the highest jurisdiction in this land. I hope the nation is not so very blind.

12-30 P.m. "Mr. President, it is unnecessary for me to refer to the speeches, in the same strain, of Mr. Forbes; but his speeches are of no avail; they are of no more avail than Mr. Crole's speech. There is the statute passed by the Legislature of this country on the speeches made by Mr. Forbes. There is the Act of 1908 which was piloted by Mr. Forbes. What became of the various things which he mentioned in his speech when it came to a question of the bed-rock of actual decision and when the statute was framed? He had no other alternative but to frame the legislation in the manner in which it has been framed and as it stands on the statute-book to-day. What does the Act of 1908 say? Every section of that Act recognizes the zamindar as the owner of the soil and that the zamindar had a right to enhance the rent in certain circumstances, had a right over forests, etc. Therefore the argument that Mr. Forbes's speech helps us, and not his actions and the statute which he got passed in the Legislature, is a thing that does not hold water.

"Now, Mr. President, I shall summarize what I said about the Regulations. I have read these Regulations carefully and find no warranty for the assertions of the Hon. Minister (1) that the zamindar is only a tax-gatherer, and (2) that the rent on the land was fixed for ever. The preamble of Regulation XXV says that the Government 'has resolved to remove from its administration so fruitful a source of uncertainty and disquietude, to grant to zamindars and to the other landholders, their heirs and successors, a *permanent property in their land* in all time to come, and to fix for ever a moderate assessment of public revenue on such lands, the amount of which shall never be liable to be increased under any circumstances.' By no stretch of imagination can this sentence be interpreted to apply to rents payable by tenants. The Report quotes only the latter part of this sentence and is thereby entirely misleading.

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"In Regulation XXX of 1802 there is no reference to the permanence of the rent payable. Neither section 9 nor section 11 relied on by the Hon. Minister, nor for the matter of that any section therein, fixes an unalterable rent. The whole object of Regulation XXX is that rent should be fixed by agreement. Section 9 applies only to cases where by accident such an agreement was not in existence. Section 11 lays down that amounts over and above those mentioned in the agreement should not be collected. It is inconceivable that that section should be interpreted to mean that rents should not be revised or enhanced from time to time. I may add that it is also very significant that while the preamble to Regulation XXV clearly made the amount payable by the zamindar to the Government permanent and unalterable, there is no such statement regarding the rent payable by the tenant to the proprietor, either in the preamble or in the various sections of Regulation XXX. On the other hand, section 12 prescribes that pattas executed for one year shall be renewed at the expiration of the fasli. This one provision is enough to prove conclusively that the intention was that the rent and other terms dealt with in the Regulation are liable to be altered. Otherwise the karnam's accounts would have sufficed. Section 13 prescribes that the patta granted by a previous proprietor shall not be binding on a new proprietor except till the end of the current fasli. Both these sections indicate that the pattas and muchilikas are renewable and as such their terms are variable. And this is inconsistent with any intention of fixing the rate of the rent for all time to come; for in the latter case, there is no necessity to renew the agreement.

"Now, Mr. President, a Permanent Settlement which I have just now referred to, recognized the zamindars, chieftains, rent-farmers, etc., as proprietors. In the sanads granted to them and the various instructions given to the Collectors of the districts, they were invariably described as proprietors. The proprietorship thus recognized carried with it several rights, such as enhancing the rents, ejectment at the will of the zamindar, grant of waste and vacant lands to the villagers or to outsiders, right to minerals and ownership of forests, etc. The right of ejectment at will and the right to enhance rent were recognized by courts at one time. But they have since been negatived, especially by the Act of 1908. The tenant cannot now be ejected except for failure to pay rent. His rent cannot be enhanced except once in twenty years and that only on specific grounds such as rise in prices. The right to forests, the mining rights and the right to grant vacant and waste lands still continue to be exercised by the zamindar. It is on matters like these that the zamindari ryot differs from the Government ryot.

"Now the zamin ryot has certain rights in the land. To that extent he is the owner of the land. For instance, he has the

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occupancy right. He cannot be ejected except when he fails to pay his rent to the landlord. He can alienate the land by mortgage, sale or gift *inter vivos*, he can leave it to another by will. If he dies intestate it goes to his legal heirs according to law. No one can interfere with these rights. As I said a little while ago, rights in property may consist of various parts. The ryot has the rights that I have just now mentioned. The proprietor or the zamindar has got his own rights, namely, the right to recover rent, right to forests and the administration thereof, and also to such produce in it as may be available. This is no doubt again subject to such customary rights as may have been enjoyed for a long time by the inhabitants of the villages. The proprietor has some mining rights, but the Committee says that the mineral rights in waste lands do not belong to him. As Mr. Narayanaswami Nayudu observes in his dissenting minute, 'it is really difficult to understand or to reconcile the position taken by the majority in the report. On the one hand, the control and the right of distribution of waste lands is admitted to belong to the zamindar, while on the other hand, the mineral right is predicated in another way.' Be that as it may, it is undoubtedly a fact that the tenant to-day has certain substantial rights (most of which have just now been mentioned) in the land in his occupation. It is an equally indisputable fact that the zamindars too have their rights in the lands in their villages, which were greater some years ago, but have now been reduced to some extent. It is the simultaneous existence of some rights in the tenant and of others in the zamindar that has caused the confusion in understanding as to who is the owner of the land. And the majority in the Committee want to solve the problem by cutting the Gordian knot by declaring that the tenant is the owner of the land and the zamindar is only a tax-gatherer and no more.

"The Report refers to the definition of 'property' as given by William Paley who defined property in land to be the power to use it to the exclusion of others. On this basis the majority report says that the land is the property of the ryot and that the zamindar is a mere farmer of rents. The majority urge that what the Permanent Settlement gave him was only the right to collect rent and no more. The Hon. the Premier is reported to have gone a step further and compared him to a house agent whose duty is to collect the rents for the owner. As has already been pointed out, this observation is irreconcilable with the Permanent Settlement and other Regulations, contrary to a long series of judicial decisions of the highest tribunals, and inconsistent with long enjoyment of rights for nearly a century and a half. Paley's definition is no doubt correct so far as it goes; but as has been noticed by another author, 'the precise meaning of property or ownership is different in every culture, varying according to the traditions and the relative social status of those who enjoyed those privileges.' In the case of zamindari land, property

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in land seems to be a collection of rights, some of which are enjoyed by the zamindar and some by the ryots. I have already mentioned these respective rights. It is now proposed in this Report that the zamindars should be deprived of their rights excepting the right to collect a certain fixed rent. Is it right? Is it fair? Is it impossible to improve the condition of the ryots without expropriating and destroying the zamindars? As quoted above, Mr. Mahboob Ali Baig has pointed out that the zamin ryots would be satisfied for the present if their rents are so reduced as to be on a par with the land revenue rates obtaining in the adjoining Government villages. Why cannot this be done? The majority of the Committee realize this, but they want to get over this easy and reasonable solution. They say, 'There were others (tenants) who requested that they might be put at least on the level of the neighbouring Government rates. This was said in ignorance of their rights declared and admitted at the time of the Permanent Settlement. Owing to the distance of time, they did not know that the land revenue assessment (rent) had been fixed permanently. On the other hand, they believed that they were liable to pay enhanced rates of assessment. Therefore the demand for the adoption of the neighbouring rate was not made with full consciousness of their rights and liabilities. It was demanded almost in a spirit of despair, because they believed that no redress was forthcoming from any quarter in spite of their agitation. We should not therefore take the proposal made by them in the course of their evidence as a considered or a correct one.'

"Mr. President, the ryots must be protected against themselves. It appears as if the tenants had no rights all these 150 years. It will be seen that almost in every case, some of the eminent lawyers which Madras has had the privilege of producing, took part and safeguarded the interests of the tenants. I beg to submit that this is merely an insult to the intelligence of the ryots, an insult to the whole legal profession of which the Hon. the Revenue Minister himself was a great luminary in those days. He appeared in hundreds and thousands of cases and never did he think of advising the tenant, or the zamindar for whom he was appearing in so many cases, who would have abided by his advice, if he had given him any advice. Not only the Hon. the Revenue Minister, but so many eminent gentlemen belonging to the Bar, such as Sir P. S. Sivaswami Ayyar, Mr. P. R. Sundara Ayyar, the late Mr. V. Krishnaswami Ayyar and a host of others who were espousing the cause of the tenants in law courts, never thought that the tenants had anything like a fixity of rent according to the Permanent Settlement Regulations. They never thought that the Patta Regulation gave the tenants a fixity of rent. Now, Sir, I would submit that it is too much to ask us to believe that there is any right of that kind to the tenants according to those Regulations.

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12.45 p.m. "In spite of all that the Hon. Minister has said, I should like to ask one question in this connexion. It is said that this is all done for the purpose of saving the ryot; he must be saved from himself; he must be protected against himself. And that passage which I have just now read from the Report contains these sentences and it shows the amount of anxiety which the Government possess for the welfare and future prosperity of the ryots. But what becomes of all this sympathy when the Government ryot is concerned? The Hon. Minister grew eloquent—in fact my friend Mr. Rangaswami Ayyangar said that he 'waxed eloquent,' and that is perhaps a more appropriate term in this connexion—and said that the zamindari ryot was poor, miserable, had nothing to eat and was completely immersed in the ocean of debt. May I ask the Hon. Minister in all seriousness whether he believes that the zamindari ryot is in a worse position than the Government ryot and that the Government ryot is not indebted to as great an extent as the zamindari ryot? Two hundred crores have been estimated as the debt under which the people of this Province are groaning and I challenge the Hon. Minister to say whether it is not a fact that out of this two hundred crores, 150 crores are to be paid by the Government ryots. Why then all this sympathy for the zamindari ryots and none at all for the Government ryots? Are they not also your children; are you not responsible for their prosperity also? Are you responsible only for the zamindari ryots' prosperity? Why do you not start with giving redress to the Government ryots? Perhaps it is easier to be charitable at the expense of others. You may say, 'Thousands of zamindari ryots are there; if I help them now, my votes are secure and my return next time will be assured.' I do not think it is your view, but it is capable of that interpretation. Only the other day my friend Mr. Samiappa Mudaliyar moved a resolution asking for a reduction of 30 per cent in the Government land revenue. Then there was one solid block standing against the resolution. The road roller running at 30 or 50 miles speed crushed the resolution. I know the difficulties of the Government and that was why I myself did not vote for the resolution, if I remember right. But I ask again, why this partiality for the zamindari ryot? The Government could have begun the thing with greater confidence with their own ryots; the matter is in their hands. But I know they won't do it. Their wonderful policy of Prohibition is going to cost them four crores. Then they must find money for supporting the spinning associations, their charkhas and so many other moral, religious and honest convictions. Meanwhile the poor Government ryot has to starve as much as the zamindari ryot and still the Government would not help him. An explanation is necessary from the Hon. Minister with regard to this. It is no use telling me that the Government are just getting information and so on. I say it is easier to do that first and come to this next. As Mr. Mahboob Ali Baig said,

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'Reduce the revenue due from the Government ryots first to whatever extent you may consider possible and then come to the zamindari ryots.' I am not asking for a reduction of 30 to 40 per cent, but I am sure you can reduce the rates to some extent. What is worse, this Government have not given the Government ryots even that amount of relief which the Interim Ministry gave them. The Interim Ministry abolished these frequent periodical settlements and fixed the revenue at a certain rate. They reduced the demand by Rs. 75 lakhs permanently. But somehow those papers have not seen the light of day. The Ministers went out two days after they came to this decision and even this decision has been put forward as a ground against them. The Marjoribanks Committee Report has not seen the light of day. While the Hon. the Minister was perfectly at liberty to refer to that report, my hon. Friend Mr. Narayanaswami Nayudu was ruled out on a point of order raised by a legal luminary on the other side to the effect that as the report had not been placed in the hands of hon. Members, it could not be referred to here. So, Sir, whatever comes from one side is all right, but something coming from here is quite different."

MR. PRESIDENT:—"How long will the hon. Member take to finish his speech?"

DR. SIR K. V. REDDI NAYUDU:—"If you will allow me till ten minutes after 1 o'clock, I will finish."

MR. PRESIDENT:—"The hon. Member can go on till 1 o'clock."

DR. SIR K. V. REDDI NAYUDU:—"Till ten minutes after after 1 p.m., Sir."

THE HON. SRI C. RAJAGOPALACHARIAR:—"If he omits the personal references, the speech will be brief and he will be able to finish by one o'clock."

DR. SIR K. V. REDDI NAYUDU:—"Well, Sir, they are not malicious; there is no ill-will intended. They are intended just to meet the arguments put forward in the best possible way. I will ask my hon. Friends to take my remarks in that sense and rest assured that there is absolutely no personal ill-will in them."

"I was asking, Sir, whether it was right to attempt to destroy these zamindaris wholesale, without paying any compensation to them and whether it was impossible to improve the condition of the zamindari ryots without expropriating and destroying the zamindars. Mr President, I think I have made it very clear in my speech that I do not question the right of the State to take away existing rights of property; but when the State claims to be a democratic State, it provides for compensation to be paid to those

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who are so deprived of their rights. Our Land Acquisition Act is based on that principle. When the land of a private citizen is to be acquired for any Government purpose, may be a purpose which will benefit the whole community, the Government has to pay to the owner the entire market value plus ten or fifteen per cent. It is only in totalitarian States that the need for payment of compensation is not recognized.

“Nor do I dispute the right of the State to reduce the rent payable by the tenant to the zamindar. It is in the interests of the State and the nation that the actual cultivators of the soil should have a contented life, should indeed be prosperous. It is only then that one can expect the ryot to devote his energies for the improvement of his lands and cultivation and thereby increase the production from his lands. That means increase in national production and so in national wealth which alone will increase the resources of the State. To achieve this end the State will have to help the ryot in various ways, one of which is to reduce the burden of rent, if that is called for. It is on this account that provision was made in the 1908 Act limiting the right of the proprietor to enhance rent. But in exercising this right of reducing the rent payable by the tenant to the zamindar, care must be taken to see that it is not reduced to an absurdly low level, or to an extent that would cause unreasonably serious injury to the zamindar. The proposals in the majority report cannot in the least be said to satisfy these conditions.

“Now, Mr. President, I would like to say a word for my intervention in this debate. I hold no brief for the zamindars. I have no interest in them and I am under no obligation to any one of them. On the other hand, a number of my relations, in fact, several thousands of them, are zamindari tenants. They will no doubt be benefited by the proposed legislation, though I am afraid that the reduction of rent alone would not lift them sufficiently high from the mire of depression into which they were driven during the last decade. A rise in the prices of commodities produced by them alone can save them. I am myself a zamindari tenant and I stand to gain myself by this legislation. Why then do I object to the present proposals? It is because I feel that this is a communistic measure—expropriation of proprietary rights without compensation. If this Bill is passed into law, it will add the weight of precedent to similar confiscatory measures in future. If we agree to this now, we will be precluded from objecting to any such future legislation. My community which is 90 per cent agricultural, may at any time be adversely, perhaps disastrously, affected by future communistic legislation. Many of them have lands of their own, however small their holdings may be. Their attachment to land is pathetic and what defence will

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they have, if it is sought to distribute their lands to the landless poor by some communistic legislation which might hereafter be brought, if once the principle of the legislation proposed at present is accepted?

“To-day it might appear to them that only other people's lands are being affected and that they are benefited to that extent. But when the principle is extended and when it is said that no one should have more than ten or fifteen acres and that the balance should be distributed to the landless poor and the depressed classes and others for whom we have been expressing so much sympathy in this House, then will they feel that they are in the position of the Russian kulaks? What happened to the kulaks? At first when Lenin came and introduced his land reform, the bigger landholders were deprived of their lands which were divided among the smaller ryots. The ordinary ryots were very pleased indeed. But when joint or communal cultivation came, these very kulaks were deprived of their lands. Villages where the people had something to eat and sometimes something more even to export were asked to be satisfied with half the produce and in many cases with one-fourth of the produce and the rest was exported to Moscow or some other city. We have read history and we know how many crimes were perpetrated and how many people died of starvation. It is said that more people died of famine than during the War before 1918. What is the guarantee that we have now from the Government that the same will not be the fate of this land? Here you are driving the thin end of the wedge. You gave one blow at the time of the Debt Relief Bill and now comes the second blow. The rest of the blows may not be given by you, but it will be no consolation to me if you tell me that you will not be communistic. There are others who will take your place and events are showing who they will be. (Hear, hear.)

“I would like hon. Members opposite to try and realize the natural consequences of their proposals. The election of Mr. Subhas Chandra Bose four days ago as the President of the Indian National Congress indicates the drift towards socialism. The Congress left wing has rallied round him. The pathetic appeal of all the leading members of the Working Committee has not saved the right wing. Mr. Subhas Chandra Bose has won on a clear-cut issue—left or right—and the left has won. Even the Tamil Nadu Congress delegates could not resist his influence—the influence of socialism. (Hear, hear.) By the proposals in the majority report, you will, in effect, only be strengthening that influence perhaps much against your own conviction.”

MR. PRESIDENT:—“The House will now adjourn for lunch and meet again at 2 p.m.”

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(After Lunch—2 p.m.)

* SRI P. PEDDI RAJU :—“ Mr. President, Sir, we have been discussing this question all these days and the points that are being discussed by several Members of the Opposition are about the interpretation of the Permanent Settlement Regulation, several Despatches and several Rent Acts. My submission to this House is this. It is admitted on all hands that in the interest of the public, if we are to undertake legislation, this Council or the Legislature is perfectly entitled to do all that is possible for the benefit of the public. So, the questions whether the Permanent Settlement or the Regulations passed in those days give a right to the zamindar to enhance the rent or whether he is the proprietor of the soil, are all questions which are not necessary for us to discuss.

“ It has been admitted for a very long time that the condition of the peasant in this Presidency is too uncertain and that he needs considerable amount of relief. Even hon. Members like Sir K. V. Reddi Nayudu have stated that the condition of the ryotwari tenant is hopeless and that he needs considerable relief. If that is so, the fact that the condition of the zamindari tenants is much worse, must also be admitted. If that is the basic principle on which we have to go, we must certainly pass some piece of legislation. What is the legislation that we have to undertake to remedy the difficulties of the ryot? Of course, as the hon. Member, Sir K. V. Reddi pointed out, it is not sufficient if the Government undertake legislation only as regards the relation between the zamindar and the tenant. The Hon. the Revenue Minister promised even last year that he is considering the methods by which the Government ryot also must have some relief; I am sure that along with this legislation he will bring in a Bill to give considerable amount of relief to the people in the ryotwari areas also.

“ As regards the amendment of my hon. Friend, Mr. Narayana-swami Nayudu relating to the inamdars, I wish to point out that it is not the policy of this Government and the intention of the Report that inamdars and aghaharamdars should altogether be eliminated. No doubt the Report says that the Estates Land Act of 1908 and subsequent Acts relating to them should be repealed. It means that there will be no law on the statute-book for the present, to deal with the relationship between the aghaharamdars and their tenants. When the Government are going to pass some legislation regarding the relationship between the landholders and the tenants, I am sure the Government will consider the relation between the aghaharamdars and tenants; such a legislation will also be placed on the statute-book simultaneously with the Estates Land Act. The question is different so far as inams are concerned.

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The Committee was practically prevented from considering that question in connexion with this Report. It was stated that that matter should be enquired into separately. If I understand correctly the proposals contained in the Report, I think, Sir, that the Government will bring forward inam legislation simultaneously with this legislation.

“ Sir, I want to offer a few remarks about the general results of this Report. First of all, I am surprised that my hon. Friend, Sir K. V. Reddi Nayudu, should protest against this Report. I do not know how he says that this Report is bad. I do not know how he says that we are expropriating the rights of the zamindars, that some compensation should be given to them and that confiscation without compensation is unjust. I am surprised at his remarks because we must remember the time when the inam legislation was passed in the year 1935-36. At that time it was admitted on all hands that the inam legislation was confiscatory but no compensation was provided. The Viceroy had to intervene and the Provincial Government thought that one year's rent was sufficient compensation for the inamdar. My hon. Friend was the Head of the Administration then.”

DR. SIR K. V. REDDI NAYUDU :—“ The Government did not fix one year's rent as compensation; they fixed a certain amount which was reduced by the amendment moved by Mr. C. R. Reddi on behalf of the Congress.”

* SRI P. PEDDI RAJU :—“ All that I am referring to is the way in which my hon. Friend has dealt with this legislation and Report. I am not talking of the then Government; I am talking of him; he was the Governor of Madras then, and he said that no compensation need be paid and that the rights of the inamdars can be confiscated. I do not see any reason why the rights of the zamindars should not be confiscated, if it is in the general interest of the public. I may also mention that when the inamdars wanted to wait on deputation when he was the Governor, he did not agree to receive the deputation. I do not know how my hon. Friend sympathizes with the zamindars now

“ One other matter which my hon. Friend referred to is that this Government is going to protect the ryot against his own interest. In this respect, Sir, I may say that the ryot does not know his own rights; the ryot is ignorant; the ryot has not got the help of people to assist him. The zamindars have always got very eminent vakils and advocates who would expound their cause; they have protected the rights of the zamindars. It is a pity that the poor ryot cannot afford to protect his own interest; he cannot advance his own cause; he cannot have counsel, employ advocates for all time.

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"In this connexion I would draw the attention of this House to a portion of the speech made by the Hon. Mr. Crole when he introduced the Bill of 1898. He says:

"But most unfortunately far too great reliance was placed on the continued recognition by those concerned of the common law proprietary right in the soil possessed by the ryot in the Madras Presidency. No harm resulted in the south, where the intelligence, education and independence of the people are in marked contrast with the backwardness, the Boeotian stupidity and the craven subservience without mark the Telugu ryots of the Circars. In the former tract, the proprietary right of the ryot remains absolutely intact, and has been appropriately described by Mr. Justice Subramania Ayyar in 1881 thus: "In zamindaris also all the ryots have been in this part of this Presidency recognized as kaniyatchi (settled) ryots, except in regard to pannai lands of the zamindar."

"Later on he says:

"These have been the causes of the inroads which have been made during the last thirty years or so upon the ryots' means, and of the usurpation of his property in the soil. The cupidity of the zamindars has led them not only to enhance rents by 200 and even more per cent but to pave the way for still further increases by reducing the ryot to the position of a mere tenant-at-will. He is, in many parts, at present scarcely distinguishable from a serf, and it is not too much to say that the exactions of the zamindars are limited only by the fear of violence, or of wholesale desertion and emigration."

"Just before this period there was famine in the Northern Circars. The Hon. Mr. Crole had gone to those famine-stricken places. After seeing those places he remarked:

"When I was travelling in the Godavari during the late famine, a zamindar applied to the Collector for police protection against his ryots who threatened to burn the palace. The reason was exasperation at a further increase of rent. Again, since 1871, "rebellions" as they are locally termed, by ryots against zamindars have periodically occurred in Kistna for the same reason. There are likewise other oppressive acts which aggravate the evil. Improvements are not allowed to be made; wells must not be dug; the tree planted by the ryot belongs to the zamindar, and so on. I was so impressed with the wretched condition of the zamindari ryots in Vizagapatam during the late famine,

There are several other observations made by him after what he saw in his tour in the Northern Circars at that time. This will show that the condition of the ryots at least in the northern part of the Presidency was so helpless that on many occasions the ryots in the Vizagapatam district and the Ganjam district had to leave their lands and go to Rangoon or settle themselves in the southern districts, in the Godavari district, etc. My hon. Friend knows that the population in the Northern Circars, especially in the Godavari district, has increased by about 10 to 15 per cent on account of migration from the Vizagapatam district; the ryots had to leave their lands and come away to our districts, and work as coolies. This is due to the enhancement of rents and the restrictions imposed by the zamindar on the ryots. The ryot was unable to pay any enhanced rate of rent; he had to leave the land; he had to leave his village and migrate to some other place. Is this state of things to continue? Even now in the present twentieth century, I know that a large number of people have been migrating

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from the Vizagapatam district to the southern districts and to other places. They have no food to live upon. Even under present conditions, they are not able to pay the rent due by them. There has been rack-renting; there was considerable hardship caused by the zamindar to the ryots. This is the best time when the Government should come forward and give some relief to the tenants, lest they might continue to migrate.

"One other point which my hon. Friend referred to is the exchange of pattas every year. It was there, because of the Act of 1908. I may also submit to this House that this exchange of pattas and muchilikas in zamindari areas is found in the Government areas also. Up to the year 1900, the Government have been issuing pattas every year. The same patta will have to be presented to the jamabandi officer at the time of the jamabandi. Any changes made in it will have to be signed by the jamabandi officer. After the year 1908 the annual exchange of pattas and muchilikas has not been going on, at least so far as my district is concerned. I do not know what is happening in other districts even now. There is no right attached to the issue of these annual pattas; and there is no necessity for annual pattas.

"After mentioning all these points, I will now state what is the idea of the Government in having appointed this Committee to go into the matter and report and in undertaking the necessary legislation.

"My submission is that quite apart from the interpretation 2-15
to be put on the several statutes or on the several speeches made p.m.
by hon. Members and on the several despatches, the present Government is obliged to do something for the benefit of the ryot population. In this connexion, Sir, I want to quote the Bombay Premier's speech made recently: he said:

"The present Government is pledged and irretrievably pledged to the improvement of the poor in this country. We want to ensure for every man in this country sufficient food and clothing, a decent education and some form of healthy work, which will make him a useful citizen and a happy man. All our efforts are directed towards this end, and whether or not we offend against other theories or doctrines, we will continue to work in this direction. It is not enough for us for the total wealth of the country to be increased. It is also necessary that the poorest in the land should have a larger share of it than they do at present. No theory or doctrine can, in our opinion, be sound to keep a large proportion of the population in want, discontented and unhappy."

I submit, Sir, that although the previous Governments had been saying something similar to this, they never carried out their expressed opinions. I submit that this House, representing the general electorate and the general public, should carry out the mandate of the public, and that must be the policy of this Government, as also of this House. I think every one of us, representing the general public as we do, has come here with a mandate from the general public, that we must do something for the benefit

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of the tenant, whether it is the Government ryotwari tenant or the zamindari tenant; and if we do not do this duty, I think it will be amounting to a failure of duty on the part of this Government, and if they cannot stand on their legs, they will have to be driven out.

“In this connexion, Sir, may I draw the attention of this House to certain things that happened in the Legislative Council at the time of the passing of the Madras Estates Land (Amendment) Act of 1934? I would draw the attention of this House to the fact that Mr. Sami Venkatachalam Chetti introduced a Bill to amend the Madras Estates Land Act, not in terms similar to this, but a much moderate measure. He wanted that the zamindari rents in the Presidency should be brought on a par with those prevailing in Government ryotwari areas. That Bill, however, was not allowed to be introduced in the Council. At that time, the Hon. the Raja Sahib of Bobbili was the Chief Minister, and the Ministry with the help of the zamindars and in collusion with the Government of the day, did not permit that Bill to be introduced in the House. I would only draw attention to the warning given at that time by the late Mr. Munuswami Nayudu, when this Bill was not allowed to be introduced in the Council. He said that though he had got all his sympathies for the zamindari tenant, yet he was a moderate by himself, and he could not but say that if the Bill was not introduced at that time, a Government would come later on, elected by the people, who would introduce legislation which would uproot the zamindari system altogether. That was the warning given by him at that time. He said: ‘It was my privilege to put forward the views of a moderate representative of the ryots in the Council, and I hope that the Government would realize the situation before the extreme section of the representatives of the ryots took the field in the future.’ Sir, those were prophetic words, and I am not sorry that the zamindars have over-ridden the wishes of the public at the time and have not allowed the Bill to be introduced then and as foretold by him (Mr. Munuswami Nayudu), the present representatives of the ryots in the Legislature have come here with a mandate which they cannot disregard or disobey.

“I think, Sir, this Government constituted as it is, must obey the mandate and must carry out the pledges that they have given. When Mr. Sami Venkatachalam Chetti introduced his Bill, the Raja of Bobbili was pleased to remark that the introduction of the Bill was a political and election stunt. Mr. Chetti warned the Government at the time and said that what ‘to-day the zamindars were unwilling to yield with grace would to-morrow be taken from them by force.’ It was not necessary that a communist Government should come for that purpose. Even a Government headed

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by the Raja of Bobbili would be compelled to resort to such a step. The members of the Justice Party, calling themselves a democratic party, should not let themselves be dragooned and jockeyed into buttressing the rights of zamindars. Mr. Chetti was criticized by the then party in power that the Bill was an election stunt. He took up the challenge, and the results of the election showed that Mr. Chetti’s prophesy was correct. So, Sir, I say this Bill is not a revolutionary or communist measure. The Government are not to sit here as a Government unless they carry out the pledges given by the members of the Government party when they stood for election. The main election pledge was this: it was thought at the time of the elections, that so far as zamindari ryots were concerned, the Government or the persons who took up the Government, would try to reduce the zamindari rents, and we all know the results of the election. So, I say, Sir, that quite apart from the theory of the legal intricacies contained in previous Acts or Bills and other things, it is the duty of this Government to come forward, even without a report such as this, and say ‘we would reduce the rents in zamindari areas,’ and they must do something for those ryots, by way of fulfilling their election pledges.

“Apart from that, Sir, I would refer to a few instances in order to show that even the report as it is, is justified by many past despatches and memoranda received and the Government Orders previously passed on this subject. Of course we lawyers, whether in this Council or in the Assembly, can put forward any amount of interpretation of the statutes or of the speeches made in the past, and it is a wonder that at least all the vakils on this Committee have agreed on the interpretation of the Permanent Settlement Regulation. I am glad of it, and though my friend Sir K. V. Reddi challenged the Ministers and everybody else to show that the interpretation of the Permanent Settlement Regulation is different and stated that we need not go to the Privy Council or to the High Court or to the opinions of Judges, he also appealed to this Council to judge this question. And this Council, Sir, in order to judge this question, need not look into the interpretation of sections or clauses of any Bill or enactment or of the Permanent Settlement Regulation. It is quite enough if the House takes into consideration the present conditions of the ryots and the members ask themselves: what are we to do here as representatives of the ryots? That is the thing that we should do, and not look into the wording of the provisions. Why I am saying all this is this: when the Justice Party passed the Inam legislation, when they said that the Privy Council decisions were wrong, when they said that the High Court decisions were wrong and that everybody was wrong, and said that they were going to set right all those wrongs and bring in a measure, I think

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the present Government are equally justified in saying that the Privy Council was wrong, the High Court judgments were wrong and all judicial decisions were wrong, and that we have to be guided by the necessities of the case and the interests of the general public.

“ Now, Sir, so far as assessment rates are concerned, there was a time when the Madras Government had recommended to the Home Government, i.e., the East India Company, that thirty per cent of the gross produce should be collected as Government assessment. The Home Government overruled that proposal and stated that the right of the Government to land revenue was not even to the whole rent, but only to a share of it, and it was called rent. Lord Stanley, the Secretary of State, i.e., after the Government had been assumed by the Crown, re-affirmed the same principle and remarked: ‘ The right course would be to take a fixed proportion of the net but not the gross produce. The tax was to be so fixed as to leave a liberal margin for miscalculations.’ When the late R. C. Dutt proposed 20 per cent of the gross produce, the Government of India replied by saying that the imposition of 20 per cent of gross produce would result in the imposition of a greatly increased burden on the ryots. The weight of these authorities has established the principle that the method of apportionment of assessment with reference to gross yield would introduce uncertainty and inequality. The Government themselves said that 20 per cent of gross produce was too high, and that the method of assessment should not be with reference to gross yield, but should be with reference only to net yield. In Board’s Proceedings No. 542, dated 6th December 1900, the Board said that the ratios of land revenue to gross produce would have ranged from 4 to 9 per cent of dry crop lands and 8½ to 13 per cent of wet lands in the previous decennium. And so, the idea of Government regarding assessment with reference to gross produce would have made the condition of the ryots wretched. So, any idea of fixing a certain percentage of either the gross or net produce would result in considerable hardship both on the tenant and on the landholder. We would therefore have to take the general welfare of the public, so far as relations between the zamindar and the tenant are concerned; and so far as relations between the Government and the ryotwari ryot are concerned, we will have to take the necessities of the ryot in the first instance. No doubt with regard to the necessities of the Government, Government also must be carried on, and they have the reserve right to tax, and whenever necessary, they will do it. I can straightaway suggest that if the Government are still anxious about the welfare of the ryots, they cannot afford to be doubtful about carrying out the recommendations of this Report. They probably think sometimes that if they give this relief to the zamindari tenants, the Government

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tenants will at once say they must also have some relief, and so there will be some trouble. I say, both of them must be placed on a par in this respect, and if the Government ryot has to pay more now, the rate in his case will have to be reduced. He must be placed on the same footing with the zamindari ryot, not because the Government ryot is paying more now, but because the zamindari ryot should pay the same rate—that must be the condition on which they should proceed. And, if the Government at any time want to levy a further tax, the Government must always be ready to tax both the zamindari tenant and the Government tenant. In yesterday’s papers I found a statement to the effect that the Bombay Government have got an idea of taxing avocations. I do not know why the Government here should not have recourse to that method; there are other similar sources which Government can tax, consistently with the welfare of the public.

“ So far as ownership of the soil is concerned, as I said, I do not care for the learned investigations made previously; irrespective of those investigations, I say it is quite fit for this Government to say that the ryot is the owner of the soil and he is entitled to pay a small rent consistently with the necessities of the State.

“ Then, Sir, one of the points which has not been dealt with by my friends is with regard to the question of porambokes in zamindari areas. The zamindars have been claiming the porambokes as if they were their personal property, that they have rights to the soil, etc. Sir, I think I won’t be irrelevant if I mention one or two cases which I came across in one zamindari. There is a road which connects a village to the main road. There is a panchayat established by the Government. The panchayatdars spent Rs. 20,000 and laid a little metal on the existing road. The zamindar brought a suit against the panchayat and asked them to remove the metal, saying the road was his private property. Unfortunately, the subordinate court in our district passed a decree saying that the zamindar was the owner of the soil and so the metal on the road must be removed. In the same village, there is a water-tank around which the whole village runs. The panchayat wanted to repair the tank at a cost of Rs. 8,000; but the zamindar brought an injunction and the court granted it. If that is the state of things, I do not know why people should say that the zamindar has got any right at all in the porambokes. I may also mention one other case. In one of the zamindaris, there is a natural drain flowing and there is a second-class road passing across that drain. A bridge was constructed there by the district board for the benefit of the public; the zamindar brought a suit for the demolition of the bridge saying that the bridge was a trespass on his lands, i.e., it was constructed over the drain which belonged to him. This suit is now pending. Are not these

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instances sufficient to establish the right of the public as well as of the Government to say that all communal porambores should be vested in the Government for the benefit of the public?

"Then again, Sir, as regards repairs to irrigation sources, the maintenance of irrigation sources, etc., I am sorry the Report has not been what it ought to be. The Report says that the zamindars are bound to maintain the irrigation sources. Certain provisions also have been made in this respect in the draft Bill. The Estates Land Act of 1908 and the subsequent Act of 1935 already contain several provisions in this regard; and I wonder whether the Government have ever seen any case being brought before the officials, and found out whether it is possible for the ryots to contest the matter and get the repairs done.

2-30 p.m. "I appeal to this Hon. House on behalf of the zamindari tenants that the irrigation sources should also be taken under the control of the Government and they alone should maintain them. As regards the question of cost, there is some provision in the draft Bill that an irrigation fund is to be maintained; but I submit that the responsibility of spending should not be made over to the zamindar but should be taken up by the Government themselves. Otherwise, I feel that there would be no relief. From the evidence tendered before the Committee you find that practically nothing has been spent on irrigation works in the Presidency by the zamindars in the past. If any zamindars had improved them, they must naturally have increased the assessment in that particular area. The responsibilities laid down under the Estates Land Act are too insignificant and too insufficient and meagre and I submit that the provisions relating to the repairs of irrigation sources should be rendered more satisfactory in the draft Bill.

"I do not want to take up much of the time of the House and go into all the elaborate details put forward in the Report. I do not want to go into the Government records, the other records relied upon by the Committee or the law upon the subject. I want only to request the Government that they are bound in the light of the evidence that they have taken to undertake legislation and to proceed with it as early as possible."

* SRI T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, when this Committee was appointed I never thought that it would be going into an investigation of the historical conditions and legal antiquities and the sovereign powers of successive Governments which held sway in India with regard to land rights. Nor did I think that the Committee was going to enquire whether the successive generations of administrators and judicial officers have misunderstood the rights and obligations between the landlord and tenant and that it would be left to a Committee appointed in the year 1937 to discover the true meaning and purport of the

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Permanent Settlement in 1802 and the expressions used in the enactments that came into existence then. In the varying conditions of the zamindaris difficulties were experienced both by the ryots and the landholders in the matter of the exercise of the rights and enforcements of the obligations, and in the matter of the provision of irrigation facilities. It was expected that the Committee would primarily go into those conditions, take stock of the legitimate grievances of the ryots and bring forward proposals as to how to redress them. These are matters calling for urgent attention and proposals in the way of ameliorating the conditions of the ryots would be welcomed by everybody concerned. You are presented with a huge report, a tremendous report with a mass of documents in which the theoretical aspect of the rights occupy the foremost place and the practical difficulties and troubles which beset the people have not received that attention in constructive proposals necessary for their proper redress. The investigation and the report have involved a prodigious labour and the gratitude of the House is due to the Committee. But it is somewhat difficult to understand exactly the recommendations on the practical questions involved. What is the use of discussing whether the Settlement Regulation of 1802 gave the zamindar any proprietary right at all and if so what right; after the lapse of over one and a quarter of a century, during which the zamindars have been dealt with as having at least the melvaram right. I am glad to note that the Hon. the Revenue Minister has relied on Sir Subrahmanya Ayyar's judgment in the 20th volume of the Indian Law Reports, Madras Series. His dictum is that in the case of agricultural land in this Province, there are two interests, the kudivaram and the melvaram, respectively, vesting in the ryot and the landlord and that these two interests represent real interests and each forms a fraction of the proprietary interest in the soil and both together make up the full proprietary right in the land. It is not that one alone is the proprietary interest. This is the foundation upon which all judicial decisions have been given and it is equally the foundation upon which Mr. Crole, whom the Hon. Minister quoted extensively in the Report as well as Mr. Forbes, rely. It cannot be said that the Permanent Settlement Regulation which speaks of proprietary rights did not give the zamindar any right whatever in the soil. The rights given to the zamindar by that Settlement is a real right, partible, heritable, alienable, and these transactions have been recognized in law. If the Settlement never gave or recognized any property in the zamindar in the soil it would have said so. The settlement was between the zamindar and the Government. It did not prejudice the rights of anybody else or could deal with the rights of the others, viz., the rights of ryots. Certain people even in the beginning of the

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last century relying on the unqualified expressions in the Permanent Settlement Regulation and in the Sanad began to put forward extravagant claims for full proprietary right to the detriment of the rights of others. Seeing the danger and the abuse of the Regulation, Government promptly came forward with Regulation IV of 1822 declaring that the Permanent Settlement Regulation of 1802 did not take away the rights of any body else or give the zamindars more rights than they were entitled to or than what the Government could give them. Obviously ryots' occupancy right in the soil that is the kudivaram interest could not be interfered with and the Settlement was not intended to interfere with that. But subject to that, the zamindars had the proprietary interest known as melvaram right in the occupied lands and the full proprietary rights in the unoccupied lands, and immemorial waste, etc. Due to a decision of Mr. Collet in Vizagapatam, in 1864, who held that the ryots in zamindaris were merely tenants like the tenants of English landlords and that they had no right in soil, representations were made apparently to the Government and the Board of Revenue enquired into the matter and passed proceedings to safeguard the occupancy right of the ryot. Later the Madras Rent Recovery Act—Act VIII of 1865—was passed. The Act was no doubt substantially a processual law. But there are some provisions which are of a substantive nature. Section 11 was attacked as an unfortunate intrusion. The Hon. Minister the Revenue Minister appears to feel that section 11 improperly enabled the landlord to make their own contracts for rent, and assign waste lands on their own terms. He referred to the definition of landholder in that Act and said that the definition referred not only to the zamindars but also to holders of land under ryotwar settlements and observed that the rules regarding the rent contained in section 11 could not all of them apply to the zamindar landholders. The Hon. Member's contention is that in 1802 there was not only a permanent settlement between Government and zamindar, but also a settlement permanently fixing the rent to be collected by the zamindar from the ryots. He referred to the Patta Regulation and the Karnam Regulation, which were issued in 1802, and sought to base the said contention thereon. Sir, I am afraid, his contention is untenable and the reasoning is faulty. There is nothing to support the interference of any such settlement from the regulations. Some of the zamindars were previously ruling princes, and by virtue of that capacity had the right to fix or alter rates of rent. After the loss of sovereign rights by the Permanent Settlement, the late sovereign princes, became mere landlords, without any such power on their part. In consequence, the rates of rent prevailing prior to the Permanent Settlement, became naturally the standard rent, and the zamindar could only

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get them or such other rent which by a valid contract supported by consideration they could get. Any two subjects of the Crown can enter into valid contract regarding rent. It is a misconstruction of the regulations to say, that the zamindars could not arrange in appropriate cases their own terms for rent. A close study of the principles underlying the rules in section 11 of Act VIII of 1865, would support what I have stated. The courts have uniformly interpreted the section equitably. Even before the enactment of Madras Estates Land Act, the courts decided against the zamindars' attempts to tax the improvements of the ryots.

“Due to increase in population, and various other causes, competitive rents gradually came into existence in certain parts of the country and in some zamindaris. The landlord could freely acquire by surrender or by purchase in rent, sales, etc., the occupancy rights in holdings and thereby consolidate both the rights in themselves. This enabled the landholders in certain parts of the country to fix their own rents by assigning waste lands, and bought-in-lands. There was also in some parts of the country the continuance of the old claim against occupancy rights. The condition of the ryots economically could not in these circumstances, be very prosperous.

“The need for legislation was felt. The Government placed on special duty select officers to gather materials and frame appropriate proposals for legislation. One such attempt was the Bill of 1898, introduced by Mr. Crole, and the later attempt was the Bill of Mr. Forbes, which received an exhaustive consideration from both sides, and eventually became law in the Madras Estates Land Act—Act I of 1908.

“It was thought proper to omit from this law, the intermediate 2-45 landholders of various gradations *inter se* and also the holders of p.m. land under ryotwar system. This act deals principally with the rights and obligations between the ryot and the immediate landholder. This enactment was acceptable to both parties, the ryot's position being improved in many respects and certain necessary remedies were conferred on the landholder also. There is no use condemning the Act altogether. The ryot's right to use and enjoy the land in his holding in whatsoever manner he liked, was secured, provided the land was not made unfit for agricultural purposes, or tended to reduce the value of the land substantially. The aggressive assertion in some quarters of absolute right in the soil was knocked on the head once and for all, and permanent occupancy right to the ryot was declared by various provisions made in the Act; one of which was that agricultural tenants, holding ryoti land on 1st July 1908, were declared to have occupancy rights, whether they previously had such a right or not. By this it ought not to be understood that permanent occupancy right

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was denied by all the zamindars everywhere. In the southern districts of the Presidency we are not familiar with this assertion of absolute title. There was a tacit recognition of occupancy rights. The difficulties in some of the zamindaris in the south was how to secure the tenant and prevent them from migrating to the neighbouring island of Ceylon, etc. The Act gave some further advantages to the ryot, in the matter of a preferential right to effect improvements. When the ryot had improved the land at his expense, the benefit of the improvements was assured to the ryot, by provision being introduced against taxing the same in spite of custom or contract to the contrary. Rights were conferred on the ryots in regard to new trees in the holding. Ejection of ryots for alleged perversion was hedged round by stringent conditions. Acquisition of permanent occupancy rights was facilitated. The definition of old waste was attacked as being a monstrous thing. I agree. Few were able to understand and the application has not been easy. It is noteworthy that the provision regarding old waste was the result of the policy to prevent the assignment of any and every kind of waste land, on any terms of rent as the landholder liked. That purpose has been achieved. The definition itself was dropped by a later enactment.

"In the matter of rent, the Act discountenanced agreements fixing terms as the parties liked, where ryoti land was assigned for cultivation, except in certain very limited class of cases, and by introducing a presumption in favour of ryoti lands. The Hon. the Revenue Minister attacked the provision for enhancement of rent as being against the principle of Permanent Settlement. The landlord and tenant being owners of definite interests in land, it is only proper that in appropriate cases, the landlord should have a right to claim enhancement, as the ryot for similar reasons are enabled to claim reduction of rent. No enhancement is allowable in the case of varam or crop-war rent. Illegal exactions or additions to rent were prohibited.

"The duty of the landholder to keep the irrigation sources in proper condition was put on a statutory basis and the ryots were enabled to apply for the repair in case of landholder's negligence. The enactment was substantially a beneficial measure.

"In the working of the Act, certain difficulties were experienced; like all human endeavours, where remedial measures are taken, time and experience dictate periodical revisions. The Act was amended by later legislation. If further experience demands improvements and changes, the effort should be to discover in what respects difficulties should be avoided, facilities should be introduced, and re-adjustment effected, but not to seek to introduce revolutionary changes, of a confiscatory character. Manu

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has been dug out from his long rest in the grave, and is placed on a pedestal in the twentieth century to proclaim to the world, that he at least rightly conceived the idea of land rights. It is mentioned that his idea was followed during the reign of the Hindu Rajas, and that it was during the Muslim rule, that the State claimed proprietary right in the soil, and that the British who took over from the Muslims, did not understand the rights correctly. It is further asserted, that the proprietary right vested only in the cultivator, that the State had no proprietary right, and that what the State got from the cultivator, was revenue and not rent, and that the zamindar could not get anything more than what the Government itself could have got. The zamindar is said to be no more than a revenue collector.

"These are untenable and unfounded theories—can I call them wild theories. These are against the clear provisions of the regulations and the successive later enactments and are also against the accepted notions consistently held and acted upon for centuries during successive periods of administration. The struggle right through, has been how to secure the occupancy right without disturbance to the ryot and not to deny altogether any right to the zamindar. If he was merely a tax-gatherer, and had no right in the soil, how is that position reconcilable with the provisions in the various enactments and course of decisions. Regulation IV of 1822 would be wholly out of place and not called for. What is the evidence upon which the interpretation was based? Was any expert evidence let in or called for by the Committee with reference to this aspect? None. Language used on certain occasions should be interpreted with reference to the context. When it was mentioned in certain documents, which were intended to secure permanent occupancy rights to the ryots, that the zamindar was no more than the assignee of the revenue of the Government, and that he could not claim proprietary right, it must only be to point out that he could not claim absolute right, and that his right should only be subject to the permanent occupancy right of the ryot.

"There is no substantial difference between Mr. Crole and Mr. Forbes. Both rely on Sir S. Subrahmanya Ayyar's and Sir T. Muthuswami Ayyar's dicta regarding the kudivaram and melvaram interest.

"As mentioned already, there being two interests in the land—melvaram and kudivaram—and they being owned respectively by the landholder and the ryot, the question would be what are the incidents which legitimately go with them respectively and what difficulties arise in their enjoyment. Ordinarily, difficulties may arise in direct or indirect interference with the ryots in their raising crops as they like, commercial or agricultural, in the

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absence of adequate facilities for irrigation, in the manner and method of collection of rents, and in certain zamindaris, in claiming certain customary payments, in the want of provision for gazing or for collection of manure. These require and demand investigation so that proposals for adequate redress may be framed. It is difficult to assume that wholesale abuses exist or rack renting has prevailed on a vast scale. But a perusal of the report leaves an impression as if by unfair increase of rent, there have been substantial augmentation of zamin revenue.

"The report gives some data connected with the zamindaris of Bobbili, Pithapuram, and Ramnad, for showing that the extent of cultivation has not much increased from what it was at the time of the Permanent Settlement, but the income of the zamindar has increased several times. Therefrom the conclusion is drawn that the increase in revenue must be due to the increase in the rent. Sir, I do not profess to know the conditions in each one of these zamindaris, but of one zamindari, I can speak with some knowledge, viz., Ramnad. It is worth examining the information given in the report to see if the conclusion can be correct, taking as an illustration—Ramnad. I do not hold a brief for any body. I desire to rely on the information in the report and on such information readily available to the public. The first question is whether the extent of cultivation in it has not appreciably risen since the Permanent Settlement. The report gives the extent of cultivation at the Permanent Settlement and the extent of cultivation in a fasli a few years back. May I ask whether the latter extent is not for the unalienated portion of the zamindari as it is enjoyed. It is common knowledge that after the Permanent Settlement, some smaller zamindaris have been carved out of Ramnad and separately registered and a large number of villages have been alienated by gifts, endowments and perpetual leases. Obviously, the cultivated extents of the later separated portions which must have been included in the cultivated extents of 1802, would not have been included in the cultivated extents of the zamindaris now given for the recent year. In the zamin village in which I was born, several hundred acres went out of cultivation owing to the inrush of sea water and several more hundreds of acres of dry sandy waste lands have been reclaimed and brought under cultivation. Similar things have taken place in other coastal villages. Extension of cultivation in many inland villages also would be in the experience of all. Taking all these things into consideration, I beg to submit that the data furnished in regard to this zamindari requires revision. Regarding the conclusion of the increase of rent, 2 or 3 things which the report itself mentions, may be considered. It is admitted that the rate of rent for dry lands in this zamindari compares very favourably with that in the Government tracts. Waram prevails

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in respect of wet lands and there is no alteration of the rate at all. The rates for garden crops is said to be higher than the dry rate but it is not stated that the garden rates were introduced after the Permanent Settlement. In fact, garden rates which prevailed prior to the Permanent Settlement, are the rates even now. The one-third waram for the dry crops which existed at the time of the Permanent Settlement was commuted into the money rent in the first quarter of the last century and those rates have continued even now. So, there cannot be any increase in the rates of rent, and no additional imposition of rent or improper addition to rents are said to have been added to the rent at any time.

"The net income of the zamindari at the time of the Permanent Settlement is mentioned in the reports as 4,90,000 and odd rupees and the income in a recent fasli is stated to be 13,00,000 and odd rupees. The disparity appears to be big. But, Sir, I am afraid there is again an error somewhere in the information. It is a well known fact that when this zamindari of Ramnad was leased recently, i.e., a century after the Permanent Settlement, the lease amount fixed was about 8,00,000. The amount of income of 13,00,000 and odd given in the report cannot be the income proper belonging, in personal right to the zamindar. The income of the numerous devasthanam and the chatram villages must have been wrongly taken into account and 13,00,000 and odd must have been given. The hon. Members can see that the extent of cultivation is an under-estimate and the amount of income is an over-estimate. The conclusion that the increase in the income was due to an increase in rent is inaccurate and untenable. Was the attention of whoever it was that supplied the information, drawn to the purpose for which the figures were required? Was he informed that these figures were required for the purpose of comparison and contrast to see what was the increase in the income due to and whether the same was due to the extension of cultivation and if not, to either increase in price of grains or to any additions to rent or to both. In the absence of data carefully collected, and sifted, any conclusion would be erroneous. I do not know whether in the case of the two other zamindaris referred to in the report the data are correct or incorrect.

"The reference to garden rates in the report requires consideration. It appears to be assumed that the rate for the garden crop, being higher in amount than the rate for dry grains, must partake of the character of enhancement. That view is superficial. The rent or revenue system is ultimately traceable to the rajabagam, viz., a share of the produce, whether the produce be paddy, a wet crop or grains which are dry crops or certain valuable products like tobacco, chillies, potatoes, etc., which are known as garden crops. The price of tobacco has always been much higher than certain other garden crop or dry grains. A collection of waram for these garden crops must have been a daily

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task. Most of the garden crops are in their nature rapidly perishable. Experience must have taught the necessity for commutation of rent in the case of garden crops. Taking again Ramnad as an illustration, I can say that the waram for garden crop was commuted into money rent based on the value of each crop. A specific money rent appropriate for each crop came into existence. This was somewhere in the 18th century. At the time of the Permanent Settlement, the rent system was crop-war, money rent, for garden crops—one-third waram for dry grains and half waram for irrigated paddy. Harvest operations for dry grains were found to be a prolonged and cumbrous process and convenience suggested again commutation. This time the commutation was not as per different kinds of grains, but one single consolidated rent for all kinds of dry grains, subject to the pre-existing crop-war money rent for garden crops. This was in the first quarter of the last century. These two sets of money rent for dry crops and garden crops are the old rates. Garden rates are not an enhancement of the dry rent. In litigations in which this matter was agitated, as if it was an enhancement, the matter was investigated and the enhancement theory was found against. That the garden rates were pre-existing rates and subject to them the money rates for dry lands came into existence later on, can be found by a reference to a judgment of Sir Sankar Nair in a case reported in (1911) 1 Madras Weekly Notes, page 26. An attempt at an enhancement indirectly in respect of unirrigated paddy crops on dry lands during the time of the lessees was knocked on the head by the same decision. I claim to know something of the case as I am a ryot in that zamindari. Sir, I am not a zamindar nor do I wish or hope to be a zamindar myself. (Laughter.) Eminent counsels were engaged by the parties and the civil courts upheld the justice of the ryots' contention. The rates in the two classes of crops mentioned represent the value of the waram. If it be considered that the existence of a large number of items of rent crop-war is an inconvenience, it would be a case for investigation as to how best to make an average and fix a consolidated rent, which can be done only by appointing competent and experienced settlement officers who should go into the matter and do the needful in an equitable manner.

"Then there is the question of the maintenance of irrigation sources in a proper condition. It is a matter of considerable importance."

MR. PRESIDENT:—"As the hon. Member is not very audible, will he speak through the microphone?"

* SRI T. C. SRINIVASA AYYANGAR:—"I am not accustomed to it. Next time I will train myself. (Laughter.) I will raise my voice a little."

"Sir, this portion of the subject is very important. The proper maintenance of the irrigation sources is vital to both, the

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ryot as well as the zamindar. No landholder with a sense of self-interest, not to mention the duty he owes to the ryots, can afford to neglect the irrigation works. The indifferent way in which these irrigation sources were maintained proved the insufficiency of the obligatory force of custom on the landholders, and it was thought necessary to enact specific provisions and the Estates Land Act introduced provisions to oblige the landholders to duly maintain and in cases of neglect to enable the ryots to get the needful repairs done. There are also provisions partaking of the character of penalties for neglect. In ordinary cases, and in cases of small zamindaris these provisions would perhaps be sufficient, but in cases of very large zamindaris, I feel certain that other facilities also are required. In flat and level tracts, where rainfall is not plentiful, irrigation is largely by a system of artificial tanks of a connected character. The rivers or rivulets supply in times of flood most of these tanks by channels; some rivers and channels feed many tanks situated in different proprietary areas. With the best of intentions, the landholder of one area cannot by himself effectively put these sources in good condition, without the co-operation of the other proprietors. Complications and costly litigations result. There must be power reserved either in the Government or in the collector to enable these difficulties to be got over in any scheme of comprehensive repair without prejudice to existing rights and with a right to levy contributions from all concerned and provision for efficiently carrying out the repairs. There is a small extract from Turner's letter in the report ascribing this fault in the irrigation repairs to the negligence of the previous landholders of the zamindari. It would be interesting to know, in connexion with this, a part of the prior history of the zamindari. I presume, this Turner's letter must have been about the time of the great famine of 1876-77 or some time thereafter. He was for some years in the management of the estate under the court of wards. The court of wards came into the management of the estate a few years after the Rajah's adoption was recognized by the Privy Council. The litigation occupied some years previously. The litigation was due to the then policy of the Government—the policy of Lord Dalhousie refusing to recognize the adoption made by the then Rani. What motive there would be for any proprietor, much less a female proprietor, threatened, with the extinction of the zamindari by the refusal to recognize the adoption to spend vast sums on irrigation sources. The neglected condition of the irrigation sources, of this big zamindari, must have been substantially due to that. After the adoption had been recognized by the Privy Council, a farseeing collector then in charge of Madura, appears to have reported to the Government, that it was due to the Government to enable the zamindar to reclaim and improve the zamindari by adequate help. A court of wards administration ensued; the earlier repairs were

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washed away by the floods of 1877 and the later repairs restored the prosperity of the estate. Apart from these individual cases, Sir, it would be obvious that in the general interests of the agricultural population, it is the duty of the Government to have a liberal policy of help in this matter.

“Then, Sir, a word with reference to waste lands. Who is the owner of these waste lands, which are not in the holding of any ryot. In the ayan tracts, the waste lands are owned by the Government and are at the disposal of the Government and assigned for cultivation, for a consideration and in some cases for distinguished services or for special reasons. What is the effect of the Permanent Settlement in regard to waste lands? The regulations clearly contemplate extension of cultivation and augmentation of the revenue of the zamindar. Leave alone for a moment, the theory that the zamindar is an office holder, rent collector, middleman or what not, or his claim that he is the absolute proprietor of the soil occupied or unoccupied. To the Permanent Settlement, the zamindar and the Government were parties. The Government's right to the waste land must in any view have passed to the zamindar. Did the Government retain or reserve any right or power in respect of waste lands? No. That is not the contention. Be the rights of the cultivators, however much, in the lands in the holding, it cannot be denied that the zamindars have the right to assign waste lands for cultivation. It may be that the zamindar ought not to be allowed to rackrent, in assigning waste lands. The possibility has been very largely curtailed by the Estates Land Act and if there are abuses still, it would be a matter for redress by appropriate provision. I cannot imagine that there has been wholesale rack renting. I ask how many zamindars have done that, and have acted oppressively. In almost all the important zamindaris in the south, the normal rate of rent prevailing for occupied lands in the holdings, are adopted ordinarily when waste lands are assigned. I may also state that in most of the zamindaris in the three southernmost districts with whose condition, I am somewhat familiar, the zamindars did not take advantage of the provision for enhancement of money rent legally available to them under the Estates Land Act. Similarly, the provisions contained in Chapter XI for fixing rates of rent, do not appear to have been taken advantage of. In a few of the zamindaris, remissions are usually given. In one big zamindari in the south a customary obligatory remission exists in that when lands in the holding could not be cultivated, for no fault of the ryot, no rent is claimable. I mention these to show that while the zamindars have got like any other person, their self-interest yet they have not been unmindful of the condition of their ryots and that they have been acting generously. It is easy to exaggerate the difficulties and draw a dark picture.

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“Now, Sir, in the press and elsewhere, it is widely stated that the total revenue collected by the zamindars would be about 2 crores, and that the peshkash paid by them to the Government is only about 47 lakhs or thereabouts and that the huge difference represents either a loss to the Government or what is being improperly taken from the ryots. The policy of the Permanent Settlement and the preamble to that Regulation intend in unmistakable language and expect that by an extension of cultivation, and by facilities of market, transport, and the rise in prices, the zamindar's income would rise. In view of that, obviously, a high ratio of the zamindar's income then was taken to fix the permanent peshkash. It was not intended that at the time of the Permanent Settlement, that the zamindars should have a fixed income and no more from their zamindari. Sir, it is not the peshkash alone that the zamindars pay to the Government. There are a variety of cesses payable by them and the total of the extra payments must come to several lakhs, and they are in addition to the peshkash. From the income, the zamindars have to bear the cost of keeping the irrigation sources in proper condition, pay the establishment, and meet litigation charges, etc. If any case is to be built upon the disparity between the income and the peshkash, information would be necessary on the heads of expenditure, obligatory charges, etc. No such data are available and no charge of oppression or increase of rent can be sustained.

“Therefore I feel, Sir, that the labours of over a year and a half of investigation by the Committee, have not yielded adequate useful results. The theoretical discussion regarding the ownership of the soil and the ambitious and futile attempt of getting over the obvious interpretation of the regulations, have occupied a disproportionate attention. On the practical questions, the report and the separate minutes divulge very sharp differences of opinion. My friend Mr. Rangaswami Ayyangar said that the zamindar was nothing but an office bearer that he can be dismissed, and if dismissed he must go and can have no grievance. Wild theories. I am sorry to have used the expression wild theories. I shall correct myself and say that this again is an untenable theory.

(A voice: why this mild expression.)

“Then you may call it wild theory. For nearly a century and a half, successive administrations and continuous legislation, acquisition, devolution, succession, and transfer of rights, have gone on the footing that the zamindars have rights in the soil. While the report was expected to remove the difficulties, there are new difficulties started.

“Let me say a few words on the proposals made in the report. Forest lands are to be vested in the village communities. Do such communities exist? It is a thing in the books and not in actuality.

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Therefore, the assertion that forest belongs to the village communities, is again untenable. I understand the Hon'ble the Prime Minister putting forward another reason that the hills and forests should be the property of the State. In the matter of money rents, the rent prevailing in 1801 should be taken to be the standard. Is it the rate or the amount? What about any alterations of rent in those cases where for valid and proper consideration, fair contracts between the landlord and the ryot, changed the rates of rent, and those changes were acted upon for a long number of years? What about waram? The waram rate has seldom anywhere changed. Till now, each party has had the advantage of the rise or the disadvantage in the fall of the price, wherever waram has been prevailing. To say that the rate of waram would be preserved and that the money rent which would take its place by commutation should be fixed on the price level of 1801 is something which passes comprehension.

"The substance of the proposals comes to this. The right of property in the zamindar would disappear; his right to have waram with its privilege of converting it into the current price goes; the mineral right which is the zamindar's to-day, is to be taken away from him. The hills and forests would become the state property. His obligations would, however, remain. He has to pay the fixed peshkash, and the cesses, he may be assessed with, and bear the cost of the irrigation works, not to mention the charges of the management of the estate. It is said that Permanent Settlement is not to be in any way interfered with. It is clearly taking away the rights assured and settled in 1802 and acted upon ever since. I challenge my Hon. friend there, to point out in the jurisprudence of any civilized country from Iceland to Antarctic, if in a contract, one party thereto can take away the rights, retaining, as ever, the obligations on the other party and yet assert that the original contract is left intact in substance.

"One word more with regard to hills and forests. I come from one of the southern districts, which is bounded on the west by the western ghats. On some of the hills and on the slopes, of this range, are situated some zamindaris, whose proprietors are known as palayagars. In dealing with the origin of the zamindaris, Mr. Crole says (page 4 of the addenda to the Appendices to the report that has been supplied to the members of the House):—

"There were also, however, Hill Chiefs or Poligars and one principality at least, namely, Raminad. They were of different extraction and formed a distant class. But after they had been reduced to submission, in the period following the extinction of the French power in the South of India, etc., etc."

To this class belongs the Zamindari of Bodinavakkanur, Doddapayanayakanur, Thevaram, Ayyakudi and a host of others, almost from the Palni parts down to the Cape Comorin, and if the hills and forests are not to belong to these zamindars, and are to be taken

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away from them, may I ask what is left to them and how are they to pay the peshkash; are these zamindars expected to go to Malaya and other places, earn and come back and discharge their obligations here? I can understand provisions being made that forests should not be denuded thoughtlessly, as the preservation of the forests are a necessity in the interests of not only the particular zamindaris, but also in the interest of the people living in the plains. The zamindars would be very glad to co-operate with the Government in any scheme by which the Government bring in a measure for forest administration. I am glad to learn that the zamindar of Sivaganga has agreed to have his forests administered on the lines of the Forest Act.

"Sir, to adopt the recommendations of the report, would lead to expropriation of rights, and would not tend to harmonious or agreeable reform of the economic condition of the zamindari ryots. The proposals cannot substantially improve the economic condition of the ryots though they may go some way. Many rural and cottage industries which gave off time occupation to the agriculturists and dependent members of their family, have vanished. Population has increased, pressure on the soil has grown. The economic condition has deteriorated. Investigation not only into the practical difficulties in the matter of rents, collection thereof, is called for, but also in the matter of rural industries. The proposals in the report are disappointing."

* MR. D. M. REID:—"Sir, this House has a reputation for brevity and clarity in its speeches and active despatch of business. The long and very notable speeches full of wisdom from the numerous and distinguished Members of this House indicate the very great importance with which they view this subject which has been placed before them. I might say, I think, that this debate for the last three days is looked upon not only by this House but by every individual in the Presidency as of very great importance. It would be foolish for me to attempt to repeat the legal and constitutional arguments which have been put very fully, and to which, no doubt, the Hon. Minister for Revenue will reply at length.

"I wish to put the view of the constituency which I represent here and my own. I must say that the outstanding feature, to my mind, as has been said by many people on this side of the House, is that this measure is an expropriatory measure of the rights of property without compensation. The word 'confiscatory' was used by my hon. Friend over there. I must repeat the same expression quietly and without any heat and in the same humility since I am speaking in an atmosphere where there are 15 inches guns all round me booming. At the same time I am proud to be able to say that I am taking part in the great traditions which this country

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possessed in the past. It is as if I can see the palanquin, I can see the elephant and I can see Mahabalipuram in all its glory. I can see all the things that led up to the history of this great country. But the point that I would like to urge is that the vast millions of people who lived in this land in the past have saved their sense of the rights of property. The glory of this great country, in spite of centuries having gone by, is that the property right has remained undisturbed in spite of wars, tumults, violence and death. The glory of this country is in its idea of property, and India is a great example to the whole world. I say quietly and soberly that India is a great example to the whole world. People may come and people may go. They may buy and make money or lose money. I do not wish to take much of the time of the House in dealing with this point but as every one knows, in spite of the greatest insecurity and troublous times in which we live, I feel confidence in what the country will come to. I do hope that it has a very steady future, probably sounder than that of any other country in the world. If there are attempts to make violent advances in directions which would be indicated to us by what we call the left wingers who seem to be actuated by the ideals of communism, and if on account of that, advances are made too quickly, then there will be a disaster to this country. I see the Hon. Premier is taking notes and he sees the whole line of argument which has been already put. I merely ask him to note that this House takes this matter very seriously. The hard-working and industrious people of this country ought not to be undermined by upsetting the very ideals which they have long cherished.

“ Now, in regard to land, what should be the first crying need? The first crying need is clearly its prosperity. Everything should be done for the prosperity of the agriculturists. That is why I have been wondering for some time when we should hear from the Hon. the Prime Minister something with regard to an active agrarian policy. Agriculture is overwhelmingly the greatest industry of this country and of this Province. All prosperity depends upon the prosperity of those who cultivate the land. Those of us who live by trading, buying and selling and by manufacturing or investing money or whatever it might be—all these depend upon the prosperity of the agriculturist. That is the foremost important thing to every one of us, and that is why I ventured to intervene in this debate. I venture to suggest that there is no real policy and no progress whatever in the state of agriculture in this country, and I will not say who is to blame. How can real progress be achieved? The Government are entitled to come forward and show us how it can be done. What has been proposed to be done for improving the health of the people? Very notably the Public Health Bill which is going to be signed shortly by His Excellency the Governor has been brought to success by

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the Hon. the Leader of this House, and I feel sure that when it becomes an Act it will be greatly beneficial to the people of this Province. Similarly what I would submit is that a more steady and more useful agrarian policy is that which is called for at this moment to put this country as a really efficient and agricultural 3-45 country on the map of the world. How can it be achieved? How P.m. has it been achieved in other countries? Many countries of the world have slept through centuries inefficiently dealing with land on account of the ignorance of fertilizers and ignorance of everything connected with agriculture and doing exactly as their forefathers did. We cannot blame them, because it is not necessarily wrong to do as the forefathers did. It has been said: ‘ Honour thy father and thy mother and thy days may be long upon the land which the Lord thy God giveth thee.’ That is very true. But we should start where our fathers left and not just go along and ‘ wrap our talent in a piece of leather ’ until we die and show it unchanged when the time comes. That seems rather biblical, but I notice that the Hon. the Prime Minister understands me very well.

“ How is progress in agriculture achieved in other countries? Not by destroying the landowner, not by destroying the hereditary influence of the big man of the district. It is exactly the opposite. Great advances in agriculture and in the prosperity of the people have been achieved by the example of the great landowners and those who held large estates. Now I suggest another method and this may be a pet theory of my own, but I believe it was originally suggested by a Director of Industries some years ago. I believe that we shall make no progress in the prosperity of agriculture in this country until education is really applied to it and until the brains of the people are put into the essential source of all wealth—land. Therefore I am of opinion that it would be wise and sound, if the Government would see their way to do it and if the Education Minister could be persuaded to agree to it, that every graduate should spend six months actually working in the field before he takes his degree. I may be borrowing other people’s phrases, but I think it will be a sound policy and I am sure my hon. Friends on the Government Benches will understand that I am speaking very sincerely in saying what I am saying. Those two things, the influence of the hereditary status of the landowner—to borrow the phrase of my hon. Friend, Mr. Srinivasa Ayyangar, in his very eloquent speech—and education properly applied would seem to be a far better means of helping agriculture than a ‘ confiscatory measure ’ of this kind. I admit that the zamindari and the ryotwari systems are by no means perfect, but as has been said on this side of the House it will be far better to get into touch, proper touch and consultation with the zamindars for an extensive and active policy which was put very eloquently by my hon. Friend

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Dr. Sir K. V. Reddi this morning. I know that after what has happened in the last fortnight in this and the other House the zamindars will be very ready to co-operate with the Government in any way they can and in anything that may be suggested. It is not for me to keep the time of the House any longer, but this is a most serious matter as it affects the essential rights of property and I think there should be no expropriation without compensation."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Mr. President, the debate, as Mr. Reid has just now said, is most important as the subject is one which concerns millions of people. He is right in drawing the attention of the House to the fact that people all over the Province have turned their attention to this and the other House during the last few days. The debate in this House particularly has advantages. There is a quieter atmosphere and there are very learned and experienced people who are not disturbed by the gallery and who can calmly advance their arguments and positions without disturbance. There is no doubt whatsoever that the speakers have made great contribution to the subject. The Government will not be so stupid as to imagine that they will not benefit by what they have heard.

"The hon. Member, Mr. Dalavari Kumaraswami Mudaliyar, referred to Aryan and Dravidian origins even on the question of the ownership of the land which has been so much debated upon in this connexion. If I understood him rightly, he seemed to claim that according to the Dravidian school of jurisprudence the pattadar was the owner and that it was the Aryans who disturbed that good state of things and brought the king's right over the land along with their Aryan language, culture and customs. He seemed to deplore the loss of the ownership of the land which the pattadar has suffered on account of the Aryan settlement, conquest or invasion whatever you may call it. But I had hoped that as a sequel to that argument he would plump for the ownership of the land on behalf of the pattadar. But suddenly he shifted and turned the other way about and he was more emphatic than any Aryan could be in denouncing the claim of the pattadar to the ownership of the land and all that I heard thereafter was pure Arvanism though I had hoped to hear Dravidianism. Inconsistency is not a vice by itself and we may have been allowed by him to revert to Dravidianism. According to him, the Aryans were culprits in this matter. But he appeals to the Government to hold on to the offence and not to go and commit a second offence, because I suppose, two wrongs do not make a right. Aryans are to blame for the state of things that exist now, but Aryans cannot be given permission to correct the state of things. They should be compelled to let things continue as they are. I do not think, Sir, that that line of argument is a great contribution to the debate. The hon. Member will excuse me if I

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say so. On the other hand, this cry of Aryan and Dravidian, this inverted Hitlerism if I may so call it—because Hitlerism there is 'Down with Non-Aryans' and the cry here is 'Down with Aryans'—is going to help neither the world nor the zamindar nor the pattadar.

"Passing on to pleasanter things Sir Mahomed Usman made an appeal, a fine and noble appeal. He saw that everybody had been saying that the zamindars had been bad and oppressive, and his generous heart rose to the occasion and he made a fervent appeal to the people not to forget the good things that the zamindars had done. I do not think that the zamindars can get a better advocate than Sir Mahomed Usman. He pleaded for justice; he said he asked for nothing more. On behalf of the Government I may assure him that they are not going to reject that appeal for justice whatever may be the consequences or the cost. He pointed out all that the zamindars would suffer if a measure of the kind proposed were to be brought. He pointed out all that the zamindars had done. He took us into their private budgets and showed that they were getting so much and that they were paying so much and supporting so many institutions. He asked: what is to happen to them? Are they to be turned into the streets? Is the whole class to be destroyed, he asked. A noble attitude, but it will not do to present that attitude only to one class of people. I would beg of him to turn that same pity, consideration and plea for justice to the pattadars also, to the tenants—if you may so call them, or to the ryots. What about *their* budgets? Of course they do not maintain a school which you can specifically call a ryots' or pattadars' school as you can say with reference to a school maintained by a zamindar that this is the 'zamindar's school.' But let me remind the House, Sir, that all the schools in this Province are maintained by that class. The pattadars whether in the one area or the other are maintaining schools and fine hospitals and constructing and maintaining beautiful roads and bridges. All this the pattadar is doing without our remembering it. But who examines his family budget? If the same consideration and meticulous attention to details which member after member showed to the receipts and disbursements of the zamindar were shown also to the receipts and disbursements of the pattadars, what shall we see? Nothing but tragedy, not now to be threatened but tragedy which has been suffered all these years. Therefore while I appreciate Sir Mahomed's appeal for justice and consideration, I want him to apply that all round and to remember that the budgets of the pattadars also deserve some consideration.

"Now I will take the House into a very rough method of calculation in this connexion. The hon. Member, Mr. Reid, explained and emphasized the importance of the agriculturists in

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this country. Take a small proprietor who is admitted to be the owner and about whom there is no legal quibble whether he is the owner or another is the owner.

(At this stage Sri V. V. Jogayya Pantulu took the Chair.)

"A proprietor in a non-zamindari Government area cannot possibly hope to get more than half the produce of the land. The other half goes to cover the labourer and the bullocks. The actual cultivator takes half and the other half goes to the so-called owner who has to pay the Government kist. This is what is called varam rate. This is the arrangement throughout the Government area. According to the interpretations put by my learned friends, Mr. T. C. Srinivasa Ayyangar and others, the arrangement of 1802 was to give one half of the gross produce to the zamindar and to leave the other half to the pattadar. What is the meaning of this? It means that every pattadar under the Permanent Settlement of 1802 was reduced to the position of a mere labourer on the land without any ownership of the land. If Mr. Srinivasa Ayyangar owns any land in a ryotwari land, he allows the peasant to take half the gross produce for maintaining himself and his family and the bullocks that work on the land, and he can claim as owner, only the other half. According to his interpretation of the position, in 1802 under the Permanent Settlement, the entire mass of peasant proprietors, the pattadars were reduced by a stroke of the pen to the position, of ordinary non-owning labourers taking half the produce and the zamindar was allowed to take the other half, and divide it between himself and the Government. Under this arrangement, there is nothing left for the pattadar, except merely to work on the land and take his wages; yet we find that they live and they think the land is their own. Why? Because in those days, though inequitable arrangement, was ordered, what was called corruption or dishonesty went to the assistance of the real owner of the land. The ryot was saved from terrible oppression by the generosity or dishonesty of the surveyors and the karnams. Had they assessed the yield legally and put down the assessment properly, the ryots would have resisted stoutly to save themselves from disaster. The karnams reduced the assessment and valuation of land."

(At this stage the Hon. Dr. U. Rama Rao resumed the Chair.)

"The pattadar thus managed to live in spite of this most unjust and inequitable arrangement. People might say the karnams were not honest, the assessors were not honest, the surveyors were not honest; they undermeasured the yield and undervalued the crops. But let nobody imagine they did wrong; they were God-fearing people who knew that they should not ruin the ryots; otherwise, it would have been the most terrible tyranny in the world; there would have been rebellion, disorder and confusion; people would have run away after a few years, if they had done

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in that way. They fixed the yield justly, commuted the value of the grain and put it down in fixed money rents. The produce of the land was thus divided between the zamindar and the tenant in the year 1802. It is not right for anybody to say now, 'let us exactly divide the gross produce, let us take the prices of 1939 and let half go to the zamindar and the other half to the ryot.' According to my construction of the matter, he would then be merely a labourer on the land without any ownership to the land; he takes merely wages and that too poor wages. An analysis of the position would show the utter impossibility of the situation, the utter impossibility of thus interpreting the things, and trying to pass laws now on such an interpretation.

"In reply to the noble appeal which Sir Mahomed Usman made on behalf of the zamindars, I would ask him to reverse his look and turn to the pattadar. That is what Mr. Prakasam is asking the House to do; he is asking the House to see that 'here is a monstrous position and asks the House to devise means to correct the position'. He has suggested ways. If any other has a better solution, let him put it forward."

"I do not want that Sir Mahomed Usman should imagine that the Bill or the report is brought forward for oppressing or doing injustice to anybody or for confiscating anybody's property. Mr. Narayanaswami Nayudu went into the details of the case; he plunged into the findings of the Committee; he plunged into the report; he asked, what is the meaning of this, tell me; what is the meaning of that, tell me; he said 'it was very doubtful to solve this and that very difficult problem'. I submit, accept the general principles of the report and the Government promises to consider every difficulty and solve every doubt. There is ingenuity enough in man to solve these doubts and difficulties, once you settle the main terms. The main terms of the Committee's report should be considered. Don't try to show that here is a valuation of a piece of land which is wrong; there, the acreage in a particular zamindari, may be wrong. You can pick holes that way. But that is not the way to examine a report of this kind. Every petty figure need not be correct; every figure may be revised, if you like. But the principles are the main things; doubts and difficulties can be solved. Mr. T. C. Srinivasa Ayyangar says that the extent of acreage has increased in some place. What does that matter?"

"The question is about the essentials of the report; that is the main thing; what are the essentials? The first thing is the ownership of the land. It is true that it may seem to be a mere quarrel over words; it looks like that on the surface; but it is the fundamental thing. Various Members well equipped with knowledge and experience have, one after another, taken up this question of ownership and they have spoken vigorously. They fought, if I may use a wild phrase, tooth and nail, over the ownership of the land on behalf of the zamindar. There must be some object in this; they were not merely fond of disputation; they could not

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have wasted time. They thought it was important to claim ownership in the land for the zamindar. Sir K. V. Reddi Nayudu is not a zamindar and he remembers and reminds us constantly of the numerous pattadars who are his friends and relations. He claimed to be disinterested in his advocacy for the zamindars. He lost himself in so much fervour and emphasis, when he claimed the ownership of the land for the zamindar. He is not a mere theorist; there must be, I feel, something very important behind this claim for the ownership of the land on behalf of the zamindar.

“ Therefore I must be excused if I attach great importance to it and reiterate my case that the zamindar is *not* the owner of the land. He cannot be the owner of the land; he cannot claim it. Ownership of the land is no mere phrase; it is not a thing that can be made by Judge-made Law or Legislatures. It is in the consciousness of the people. Member after member have spoken here and if there is any zamindar here whom they represent, I would ask that zamindar to come to a field and face to face with the pattadar and tell him ‘ this is my land.’ He dare not do so. In the consciousness of the zamindar there is a confession that he is *not* the owner of the land. Put zamindar and the pattadar face to face and let the one or the other claim the ownership of the land. I am prepared to stand by that challenge; I am prepared to stand by the answer. Dare the zamindar tell ‘ this is my land, not yours?’ On the other side, the pattadar will dare to say ‘ this is my land, not yours.’ Yes, he dares to say so without any difficulty; with the Bible in his hand, he will say this is my land, not yours. But the zamindar dare not say that. He would put down the Bible and take up the Rent Recovery Act and say he is the owner of the land. He can, by exposition of the law through highly-paid lawyers, plead for his cause and argue in some foreign language. Let any one of the gentlemen who spoke so eloquently, go to the countryside, go before the peasants and say that the zamindar is the owner of the land and not the ryot. They dare not do it. Therefore, Sir, I say, the question of the ownership of land can be solved by the consciousness of the man who claims it. The zamindar is not the owner; the ryot is the owner; the pattadar is the owner. So, I say it is vain to plead that the zamindar is the owner of the land.

“ Then, there is the question of the whole hog or nothing at all. Member after member said ‘ do something, something more comprehensive but do not try this; it is a very difficult thing.’ I thought this fallacious advice would end with the other House; but here also the same point was raised; ‘ don’t take up the zamindari areas; take up ryotwari reform first, then come to the zamindari area.’ Why, I should like to know. I do not think it is wrong for anybody to begin anywhere. I ask the question why I should begin where you point out; we may begin where we like; there is nothing wrong in it.

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“ There is an essential reason, however, why the zamindari question should come up first. Because if a ryotwari proprietor or pattadar—to avoid a controversial term—pays heavily, he pays himself, because it is spent on the State. It may be wrong; then, it may be re-adjusted. The tax may be lowered; the tax may be increased. The ryot may have a just claim for re-adjustment; but even while the tax is not lowered the tax is spent for the ryots. You may re-adjust the public expenditure. You may say, this is wrong, that is right. The Legislature that consists of men whom the ryot has sent sits here and adjusts things. But what about the zamindari pattadar? He pays and it goes to the private purse of the zamindar. It does not flow back to the pattadar. The zamindar is only to pay a fixed amount settled in 1802 to the State. Anything that is wrongly taken from somebody, if it is proved to be wrong, is an extortion. Anything that is wrongly taken from the pattadar in the zamindari area is by every definition an extortion and therefore must be stopped. Anything that is wrongly and unjustly taken from the pattadar in the Government area, assuming that it is wrongly taken, is being spent in the Government area and for the people concerned. And therefore I say there is every reason why we must first stop the one before we stop the other, even if it were not impossible to do the whole thing at one stroke. But is it possible to do the whole thing at one stroke? Can we have one legislation and one report for the whole thing? Was this point argued at the time when the Committee was appointed? Did hon. Members raise this objection then? Did hon. Members say, ‘ Why appoint this Committee? First deal with the ryotwari areas and let us take up this question afterwards.’ It did not then strike them as wrong and inequitable to take up this question. But when the report is produced and a particular verdict is placed before the House, member after member on the other side rises and says that this is not the first thing that should be taken up and urges that the other thing should be taken up first. If the decision had been the other way about, no question would have been raised. I say, Sir, it is not fair. This is a very old enemy of all reform. If I ask a man to do one good thing, he says that there are so many other good things to be done. This enemy of all reform comes up in new clothing whenever we try to do anything specific. I did not want to interrupt hon. Members while they were speaking about ryotwari areas, but I submit, Sir, that while the House is asked to deal with one question it is quite irrelevant to raise the issue whether other injustices are there or are not there. Man’s limited energies should be used to overcome difficulties one by one. If his limited energies are to be applied effectively, they must be directed towards particular reforms one by one and he must not lose himself in the bog of universal theory and universal reform.

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"Now, Sir, the ownership of land in the pattadar is the one essential, fundamental point which the Committee asks the House to accept. The second thing is that the settlement of 1802 was a Permanent Settlement in the truest and fullest sense of the term and not merely in a partial sense. That is the second cardinal principle which the Committee asks the House to accept. The Permanent Settlement of 1802 was not merely a Permanent Settlement for the zamindar in relation to the Government, but it was a Permanent Settlement for the pattadar also in relation to the Government and, to the extent to which it was alienated to the zamindar, in his relationship to the zamindar also. The claim made by the Committee on behalf of the pattadar is that the settlement must be treated as permanent in regard to the pattadar also. Now, if this is admitted, all other difficulties can be subsequently solved. Can that not be admitted? The claim is that in 1802 fixity was the main aim. That fixity was the aim is seen in crystal clear terms in every line of the documents in connexion with the Permanent Settlement. Fixity was the aim and it was repeated *ad nauseum*. Then what kind of fixity is the question. Sir John Shore and Lord Cornwallis argued with one another on this point. Sir John Shore said that they were taking up the question of the fixity of the zamindar's obligations and not the question of the fixity of the pattadar's obligations, that it was not a good thing that they were doing, that if they were so fond of it, they might do it for a few years only and that they might see later on. Lord Cornwallis said that they were fixing it all round, that what they were taking was only the first step, that it must not be imagined that because they were taking the first step they were ignoring the second step, that the whole thing was one transaction, that everything was going to be fixed and that since they must begin at one point they were beginning with the zamindars and that Sir John Shore might agree to the proposals. This is the substance in plain english of what passed between Lord Cornwallis and Sir John Shore across the waters. It was on the basis that there was going to be fixity all round that Permanent Settlement was accepted. Otherwise Sir John Shore would have won and Lord Cornwallis would have lost. I say now that Lord Cornwallis is estopped from complaining when we say that there was fixity not merely for the zamindar but also for the pattadar. If Cornwallis is estopped from complaining, his successors also are estopped from complaining and all the zamindars are estopped. It is wrong now to interpret the Permanent Settlement as having intended fixity only on one side without any fixity on the other. It would be a gross mistake; it is no good advocacy for hon. Members to plead in that manner. Fixity should be accepted all round.

"Then the question arises and clever lawyers put forward a second line of defence. They ask, what is this fixity? They accept

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fixity if it was a money rent that was fixed in those days and they agree that they cannot alter it. Mr. Srinivasa Ayyangar has given some evidence on this subject now. He referred to the zamindars in the south and said that they had not raised the money rents that were fixed in the old days in 1802, that they have stood by the Permanent Settlement and that to that extent we should appreciate them and be grateful to them and that we should not tar everybody with the same brush. That was Mr. Srinivasa Ayyangar's plea. Sir, the object of the Committee is not to tar anybody with any brush or to distribute praise or blame. Whether they are zamindars of the north or zamindars of the south, it makes no difference with regard to the proposals of the Committee. We are not distributing titles between the two. If that were the case we should certainly show better appreciation of the southern zamindars who have not chosen to enhance their rents, who have understood the meaning of the Permanent Settlement correctly from the very outset and who have known their limitations very well. Now this evidence shows that the 1802 rates were fixed if they were fixed in money. So far it is admitted from all that I have heard in the course of the debate in the other House as well as here; and from all that I hear of the reactions among the lawyers outside the House, I can say that it is practically admitted that if money rates had been fixed in 1802 it was a breach of the Permanent Settlement to enhance them subsequently. That is clear ground.

"Then the question is with regard to grain rents. Grain rents are of two kinds. In this connexion it is admitted easily that if the quantity of grain had been fixed at that time that quantity cannot be enhanced now. That is also easily granted. What is contended is that in a number of cases where a share was fixed, where this monstrosity of half a share was fixed, they say that it should continue now and that this half gross produce should be given to the zamindar. That was the Permanent Settlement, they say, in the case of a large number of lands, that there has been no commutation in those cases and that the pattadars continued to pay that share. The lawyers plead on behalf of the zamindars that they are entitled to half the gross produce and that it is not proper to give them the value of the half gross produce calculated on the prices of 1802 or any date earlier than 1938. The claim is that fixity can go only so far as the share fixed in grain is concerned and that the zamindar is entitled to take the full value of the share, i.e., half the gross produce according to the 1938 prices. If that theory is correct, I say there would be a monstrous result. But the lawyers say that a thing may be monstrous but that if it was the legal result of a certain thing, then we must stand by it. I would submit, Sir, that it is not law but only hard-hearted legalism. It is not law, as I shall presently show. Law can never be interpreted to mean an

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absurdity. That is an essential maxim in the interpretation of law. If any legal application of a rule leads in the process of interpretation to an absurd consequence, my friends the lawyers must know that they have made some mistake somewhere. That is the caution which all good jurists have given from time immemorial in respect of the interpretation of law. But you may ask, 'Is it an absurdity? It is not absurd for the zamindar to take one half of the gross produce.' I am trying to meet that case now, for, Sir, the lawyers are strong, they are clever, able and influential. They have got time, they have got all the books and they can quote them and argue and shape public opinion. Therefore it is as well that I explain why that interpretation is most absurd.

"If it is conceded that in respect of a large portion of the lands that are in the zamindari areas the rents had been commuted and the dues to the zamindar had been fixed in money and that only in respect of some lands here and there there is the obligation for the payment of a share of the produce, what is the consequence according to this interpretation? In the same zamindari in the same district land A pays a fixed commuted money value, because you admit the law to be that and the next man pays varam according to the prices prevailing in 1938, according to the interpretation of the lawyers that the pattadar should pay to the zamindar according to the prices prevailing now. What is the consequence? One rupee here and three rupees there; two rupees here and four and a half rupees there. Is this a conceivable thing? Can it not be described as absurd? It would certainly be absurd. Then what shall we do? It is asked: 'Are there not differences in property? There is a rich man here and there is a poor man next door; one man gets Rs. 4,000, another Rs. 1,000, a third Rs. 100, a fourth Rs. 15, while a fifth is in debt. Inequalities are there and let us allow inequalities here also, because property is sacred.' I admit that the argument looks all right; one wrong explains another wrong. But it does not in this case. Because there was no such thing as property created at that time. Here I go back to the ownership theory, to the question whether the pattadar is the owner of the land or not. Here I want the House to think for a minute and exactly analyse the position with reference to the grants made to the zamindar. Much of the confusion in this controversy has arisen on account of the assumption that the zamindars were given property by the grants or the gifts or the sanads whatever they may be called. They were not grants of property. That is why I said that the zamindar was an officer who was appointed for the collection of revenue. That was why I referred to the old documents. I am not putting forward an ingenious revolutionary theory to-day. I said so in January 1938 before one could have dreamt of this Committee's Report. I am only reading from the documents of 1802 and of

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- that period and showing that it was an office. I read the documents in the other House and these quotations have been reported and I need not take the time of the House now with those quotations. They were definitely described in terms as holders of an office. It does not depend merely on a phrase like that. I am depending on the actual substance of the transaction.

"If the Government gave a small piece of land or even if the Government gave a vast tract of land to particular grantees, by all means you are entitled to it as long as the institution of property lasts, as property given to the grantee. You can say that it is a grant of a property, it is the grant of land and it is a grant of estate and you are entitled to call it vested rights or vested property. But, what was done in 1802? It was not the case of a jaghir being given for services rendered; it was not a gift of land to a man on account of his scholarship; it is not a gift of land given to a man for his goodness, for his philanthropy or for what he has done to humanity. It was a system of land tenure that was invented and was enforced throughout the whole of the Province. It was a law that was introduced and was to be applied to every inch of the soil of the Province. You cannot apply laws that apply to particular items of property to the whole system of administration which was the Permanent Settlement. If in 1802, a particular estate had been created or a particular jaghir had been conferred, then I can understand all these arguments as to ownership of property and sacredness thereof. It would be a sad mistake on the part of members of this House to make and it is a sadder mistake to be committed by lawyers if they do not distinguish one from the other and if they imagine that 1802 transactions did confer property on certain individuals. I say once more it was a system of tenure, it was a system of administration that was introduced throughout the whole Province like the ryotwari system. Is the ryotwari system a grant of property? Is the Excise law a grant of property? It is an administrative direction and so also this is a part of the land laws of the country. It is a different question whether it was wrong or right. The point was that Lord Cornwallis prevailed upon the powers that then ruled the country to accept the system of laws for the Government of the whole of the lands of the Province and out of that I submit, you cannot create vested property to which the laws of individual property should be applied. It is a great mistake of jurisprudence, of legislation to accept that as a basis of our procedure. It was an entire universal system of administration and the Legislature was entitled to alter it from time to time. Take what it was that was then done and then look at what I am putting to the House. What was done when the Rent Recovery Act was passed? Did they discuss about the question of the vested rights? No. Did they ever think that by the changes effected, they were disturbing vested rights? No. There was no question of vested

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rights. They changed the law of tenure and the relationship between the tenant and the zamindar. Then what happened in 1908? What was the basis upon which they proceeded? They took it for granted that they were entitled to alter the relationship between the landlord and the tenant. Again let us take the 1935 Act. What does the schedule of the Act say? There is a definite provision authorizing the local Government to change the law with reference to the relationship of the landlord and the tenant. Land laws can be changed. Therefore, it is that I say that it is not right to interpret the sanads given in 1802 as if they were titles to land. As a matter of fact, nobody had a title to the land. Even the alienor had no title; the only title they had was to make laws with regard to the relationship which was to subsist between the zamindar and the tenants.

“ If for meritorious services rendered by a soldier property of this nature had been given, it is lawful for his descendants to come and say that the laws of property ought to be applied to that property and it would be confiscation if his rights are taken away. But it is not so. In this case, it is a re-adjustment of the land law and a re-adjustment of the duties of the holder of the office who accepted his functions according to the universal prevailing law. It is only an accident that the zamindari system did not spread over the whole of the Province and that is it that has caused the present confusion. If people at the helm of affairs had not changed their minds, and if the whole of the Province was under the zamindari system, would people say that this was a vested right and it is confiscation to change anything? It would have been impossible to carry on the Government if they said so. The mere accident that the zamindari system had been stopped half-way and that two different land tenures came into being, that accident has created a confusion and has given enhanced value to the system that prevailed in the zamindari areas. It is not property and therefore, there is no question of confiscation and there is no question of expropriation. On the other hand it would be confiscation, it would be expropriation, if, unmodified and unaltered, the existing half share of the produce at the current prices were allowed to be taken by the zamindar. I admit that the proposals are drastic; but what serious maladies are tackled without applying drastic remedies? It is impossible to have soft, sugared pills for curing serious diseases. But after all these proposals are revolutionary only in the sense which I will presently explain. Take the reduction of salaries; the particular gentlemen who were affected by it called it revolutionary. There is no doubt about the fact that they considered it to be revolutionary. Take the Debt Relief Bill. It was considered to be revolutionary and to be drastic and we did it. Take again the Prohibition Bill. It was the most revolutionary legislation. Drink did exist certainly for the last one hundred years and more and if

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Kautilya's Arthashastra is to be believed, it existed even in those days though I for my part consider that it is wrong to read a regulation for a royal city as though it were a regulation for the whole country. Suddenly in 1937 we passed a legislation saying that not a single shop should be opened. No doubt it was revolutionary; but what is the object? The object was not revolution. The object is the welfare of the country. So also is the case with regard to the debt legislation. It was not done for political motives. It was done purely for the welfare of the country. Take again the case of reduction of salaries. The object is not to take vindictive measures against the public servants. There again it was the welfare of the country that prompted it. So also while we were dealing with the question of opening the temples to the excluded classes. For thousands of years the temples were not open to the excluded classes and shali we for that reason not open up the temples and admit them there? We did it. But, what was the idea? We have been guilty of revolutionary ideas but only in this sense: the motive has been the welfare of the people. In all these things we appealed to an essentially conservative and ancient sentiment as I shall explain one by one. In the case of the debt legislation, we appealed to the very ancient principle that interest should not exceed the principal. We were revolutionary but we depended upon that principle, that conservative and ancient principle that it is wicked usury to collect more than the principal by way of interest.

“ So also with regard to this question. From time immemorial, it was recognized that the pattadar should be treated not harshly but justly and equitably; it was also recognized that he was the owner of the land. Why did we take up this year 1802? It was not because the Committee was partial for antiquarian research. It was not because of that that we went back to the year 1802. We said ‘ Let us not do anything revolutionary, let us have some firm stand, based on some ancient conservative principle; here is the thing that the zamindars rely upon; let us take it and examine and see what it says; if it is fixed there, let it be fixed; it is just and equitable.’ It is not a desire to indulge into antiquarian curios that we went back to that year. It is a desire to stand on firm conservative ground that made us to adopt that year. If the 1802 arrangement is a permanent one to which we should be bound and if they say it is a good thing, what did the authors of it say? Did they not also say that the pattadar should not be made to pay more and that is the essential conservatism on which this revolutionary proposal is based. This, I submit, is the essential basis of all our proposals.

“ As regards the question of money rents, I submit I have shown fairly satisfactorily that it would be far too absurd to allow the money rents of 1802 to remain fixed and still allow the varam rate to be converted at current prices. It is far too absurd

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to be permitted by law. It is not a grant to be argued in that way. It is a system of tenure that we introduced in 1802 and which we must examine on that basis. Absurdities may be there; inequities may be there in the case of the institution of private property, but it cannot be allowed in the case of the Government dealing with its citizens and this inequity cannot be permitted. Even mathematically friends are making a mistake. They think that it is the same effect that it produces on the tenant and the zamindar if prices vary. I submit it is not. The zamindar gets half the produce according to the Permanent Settlement and the tenant gets the other half. But out of that half the tenant has to pay for the labour, for the cultivation expenses and other things and, mind you, the zamindari tenant is not on the same footing as the ryotwari tenant. He does not get from the zamindar by way of agricultural aid as much as the ryotwari pattadar gets from the Government. I especially want Mr. Reid to look about and see the exact and the actual state of affairs; if he does, I am sure he would not be making the confusion he does. He is making a confusion between the big landlords for instance of Canada or Australia and the big landholders of Bobbili or Vizianagram and of the other zamindaris in South India. Let me repeat. The zamindar is a gentleman dependent on the receipts of money. He has nothing to do with land. He does not furnish a single plough to the tenant; he does not furnish a single bullock to the tenant. He has nothing to do with them. If there is disease among the cattle, it is the Veterinary department that has to come and look to it; the zamindar has nothing to do with that. He does not carry any research in regard to the seeds or grains or manure. I have read the romance of the wheat area in Canada; I know something about it. The farmers of Canada work strenuously and employ scientific men; they have made researches and have discovered a new variety of wheat which can stand the frost, and this has enabled them to extend the area of cultivation 10 miles further north and thus increase the production of wheat in that country. Who did it? Not the Government of Canada; nor was it the zamindars, so to say. Who discovered that this particular seed or that particular grain can be raised and in which particular place; or who discovered that this particular seed or that grain can withstand frost, cold or heat? Not the zamindar. Did they conduct any scientific research? No. Of course, there are some good things they do. I do appreciate their instinctive worship of learning and culture; I do appreciate their traditions and the glory of their houses. I respect their culture. There is no difficulty about that. But the zamindars do not take any interest in the land themselves. They leave it to the pattadars. These must be remembered. The zamindars do not bear the expense of cultivation, or any expense in the special improvements or research work. The ryot has to pay everything himself. He has to pay for his clothing, for that of his wife and

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sons; he has to pay for the bullock and plough; if his plough breaks, he has to repair it and he has to pay the blacksmith—and all this expenditure he has to bear.

“ Here is the mathematics I shall take you through as the prices are enhanced from 1802 to 1938. Whereas increase in prices brings increase in money value to the zamindar without any deduction, so far as the pattadar is concerned the minus side of his life—the expenditure for food, clothing, price of bullocks, of medicine, in fact for everything—grows at the same time. A is the gross produce. A is divided between the zamindar and the pattadar. The pattadars' half of A gets subtracted; there is a big B , and that grows with the rise in prices; and thus, his portion is becoming smaller and smaller. When prices grow thrice, the cost of living of the pattadars family has grown from 1 to 3, and all that has to be subtracted from that same half A . So mathematics is not even between the two parties; a rise in prices hits the pattadar hard; that is why he is in a hard-put state. If prices rise only in regard to grain, and not in regard to bullock, wood or anything else, travelling included, but only in regard to grain, then I can understand the zamindar and the ryot can divide, and you will not be doing anything wrong in that. We divide it and it is evaluated according to the price of 1938. What about minus B ? The very half- A of the pattadar in 1802 was equal to B . That was just enough for maintaining himself and his family. To-day, too, that half- A is the same. Therefore the B , which has risen according to the price level is growing bigger thus: A minus $B-1$, A minus $B-2$, A minus $B-3$, A minus $B-4$ and so on, and say, to-day it is A minus $B-5$. How is he to live then? His budget is a minus balance. That is why the agriculturist, I mean, the pattadar is in a minus condition to-day.

“ But let me here come to hard facts. You say, the zamindar too is in a minus. Yes, I grant it; but for quite different reasons; not because of rice in price in essentials but because he has increased his wants. Whose fault is it? Is it the fault of the pattadar, or is it the fault of the zamindar? If the zamindar to-day is in a bad condition, it is because he has needlessly increased his wants and lives beyond his resources and has made life difficult for himself. Therefore I say, if the zamindar too is in a minus condition, it is due to different causes. If prices rise, even this rise in the number of wants of the zamindar grows imperceptibly. Some might say: it will not do for me to suggest that they should not spend on this or that; they have to maintain a standard of life. Yes, I ask, what is this standard? In the beginning he had a bullock cart, then a horse cart, then two horses, then he wants a spare horse, that is, a horse for his wife and children, then a new invention which says, fut, fut, fut (laughter) which can go without horsegram, grain or food; and now things are grown costly;

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one car is not enough for a decent family; and now horses are used not merely for driving, they are used for different purposes. (Laughter.) Thus life has become too complicated. I am a Minister and I have accepted a salary of Rs. 500; and suppose I live on Rs. 5,000 scale, I can't blame the Finance Secretary for giving me only Rs. 500. When I take a job on a particular condition I must live only up to that. There is no use saying 'my father was the chieftain of land, or my grandfather was a Raja, and so I want a palanquin to go about and I want a throne to sit upon, even as my grandfather did.'

"This leads me to another thing. It is said that these zamindars were not merely farmers of revenue. Reference was made to their ancestry; they were chieftains. Sir Mahomed Usman referred to that subject in a proper spirit. I am not mitigating the appreciation in that respect, if I take it up for another purpose. They were chieftains, Rajas, kings, let us say. But did a king have ownership in land? Did a chieftain have ownership of land? Did a fighting soldier have ownership of land? No. The king did not own any land; a chieftain did not own any land; they did not claim ownership in land. And all the greater reason why the zamindar should not claim ownership of land; all the greater reason why the zamindar should not increase his expenditure, and all the greater reason why the zamindar should reduce the rent!

"Yet another point was raised. It was said: 'it was not one-third or two-third gross assessment; but it was because he was a king; it was because he was a chieftain. The Permanent Settlement was made in his favour, because he was a ruling chief.' I admit, some of them were chosen in that way. I am not talking of an altogether fictitious state of things. Suppose I had ruling power in this country; I find a Raja powerful, and I defeat him; I find the Raja useful in collecting revenue and the Raja is made collector of revenues. The collector after 100 years or so says 'I was once a Raja, now I must be made a Raja;' can he be made a Raja? No. A prince may become a collector, but a collector cannot become a Raja. The owner of a property may become receiver by an order of court; and very often the court appoints the owner himself as the receiver so that the property may be best administered. But that does not give the owner rights of ownership; he cannot act as he likes; he has to act according to the orders of the court. So, in the same manner with regard to Rajas who were appointed collectors of revenue. The history of the zamindari has nothing to do with their personal rights. That is what has been clearly stated. A portion was read by Mr. T. C. Srinivasa Ayyangar; he read in a hurry that portion. Whatever the ancient polygars might have been, at the

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time of Permanent Settlement they have been reduced to one form, irrespective of the fact whether they were kings, farmers, or polygars. A, B and C were picked up and asked to take up this farming of revenue. The terms were the same. The method of settlement may be anything, but the terms of settlement were the same for all the classes. There is no use of reading to confuse the House; the history and origin might be different; but in 1802 they were all settled on one understanding and under a single set of terms. It did not matter in the least what the origin of the chieftain was. Therefore I do not think there is any difficulty in accepting the position which the Committee puts forward. As I said at the outset, let not difficulties and doubts confuse the issue. This is not the stage when we should analyse the figures and the particular evidence given before the Committee; the principles must be accepted.

"And, Sir, very hard things were said in the course of the debate. It was freely suggested that the proposal is a ruse and a trick, that this is meant to deceive; in fact, everything else was said, only the unparliamentary term was avoided; but the unparliamentary thought was not avoided. (Laughter.) It was suggested that this was a falsehood, it was a political motive. References were made to the voters and so on. I give the lie direct to this. It was not political motive that really guided this Committee. It is wrong to say so. Never mind myself. The author of the report, the Chairman, the hon. Mr. Prakasam—I want the House to accept my statement—has not the slightest notion of political motive in this transaction. It is unfair to oneself to say that there is political motive, political plan, behind this report, because I know the enormous opposition it has raised. It does not make for political security to do so. There is no politics in it. Is it vindictiveness, malice, hatred and all that? That is to say, 'is it that Mr. Prakasam and his ilk do not like something, and so, here is an opportunity to punish it.' Nothing should be farther from the truth. Mr. Prakasam has nothing but pity, true pity for the poor; it may be right or wrong; but please do not suspect motives. It is the same pity, the same careful consideration and the analysis that member after member directed to the zamindars that Mr. Prakasam has directed to the poor, on account of the history of his own life and the condition of the peasant he has seen—not that others have not seen them—and he has now produced the net result of what he has seen in the shape of the report. His recommendations may be good, bad or indifferent. But for God's sake, let us not attribute an imaginary and false motive to his conduct. It is pity and unqualified pity for the poor that alone can explain the revolutionary proposal, if it is revolutionary. A man who wants political security will not propose revolutionary things. Let me say that. A man who wants to be vindictive will not propose things

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which will produce so much opposition. He can easily say: no zamindar will have extension of time to pay peshkash; it will not be postponed; let him sell it out. Has he done it? No. Where is the room for imputing motives? It is far easy to deceive in other ways than produce this solid report, if deceit is the intention. Is it not open to Government or to Mr. Prakasam, in his particular part of the Government to create all kinds of difficulties to the zamindar? Has he done so? No.

"On the other hand, Sir, let us now for the moment imagine, nothing is to be done by us. Suppose we withdraw. We do not want any legislation. We leave things as they are. Sir Mahomed said, 'They are getting so much money, they are having a form of decent income, let them have it. Let us not do anything.' Will the zamindars carry on? Suppose, Sir, to-day a challenge is thrown forward. We do not propose to do anything and the zamindars are allowed to remain just as they are. Will they not ask for police help, will they not desire law and order to be preserved? Why do they expect these things from the Government? They know that it is impossible; they know that the ryots cannot carry on their business, that the zamindar cannot recover his dues; that there is no peace in the zamindari areas. Now, I do not say that I am going to use this as a lever, but I want you to judge the real substance of the position. The zamindars cannot carry on without extra assistance in the shape of law and order from the Government maintained by the ryotwari pattadars. The Government have to maintain all the forces necessary for law and order which is paid for by the ryotwari pattadar and that law and order is to be given to the zamindar in order that he may collect what he promised to collect himself and to pay to the Government without any trouble in 1802. What is the object of the Permanent Settlement? The Company's Government agreed to this; why? They sold the country in 1802; why? Because, they did not want the bother of collection, they wanted the zamindar who was a more powerful man to collect on the spot and to give that to the Company, without any trouble.

"To-day, the position is reversed. The zamindar wants the Government to collect for him. If Lord Cornwallis were here now, if the zamindars told him, 'Lord Cornwallis, please collect this rent for us,' what would Lord Cornwallis have told them? He would have said, 'My dear friends, did you not promise in 1802 that as you were great people, influential people, you would collect for me? Now how can you ask me to collect? Did you give me a Permanent Settlement or did I give you a Permanent Settlement?' (Hear, hear.)

"That is the position in which the zamindaris are to-day. Do you want legislation? Do you want reform? You cannot for ever live on the help of the police, you cannot for ever live on the punishment of the magistracy. You want a contented people.

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You want an arrangement which is human, which is practical, which is equitable. And we have to give this. We say, 'Well cut down your expenses, and take only that amount of revenue to which you agreed in 1802. You cannot have more. Or, if you want to revise the whole thing, by all means ask us that the whole thing should be scrapped.' But you do not ask for that. It is easy enough to put up difficulties or to suggest like Mr. Narayanaswami Nayudu did, that the whole zamindari system should be abolished. The whole thing cannot be scrapped like that. It is merely an answer. Mere argument does not make reform. We, therefore, say that if you claim the rights that are transferred to the zamindar, you must be circumscribing yourself to the rights which were alienated. You cannot ask for anything more. The amount was fixed and you cannot ask for the compensation and propose that some lands should be fixed and some lands should be raised to three times or four times the net revenue. That is impossible. Therefore, this Committee says, it was a fixed tenure and it should be fixed correctly. It is possible that in some cases you might have difficulties in assessment and it is easy to say what it is not possible to discover. We are not doing that now. We are not imposing anything now. We accept the position on general principles. If it is accepted, and after that if the difficulties are so great that nothing can be done, nothing will be done. But, the difficulties cannot be so great. Mr. Prakasam is certain that the difficulties are not great. Therefore, the Committee wants that the principle should be accepted and that the House should not be confused by talk of confiscation. The House should remember that it is not a question of particular lands here and there, it is not a single grant, it is land tenure for the whole country."

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

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 3rd February 1939.

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

The House met at the Banqueting Hall, Government House, Mount Road, at eleven of the clock, Mr. President (THE HON. DR. U. RAMA RAO) in the Chair.

REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE.

MR. PRESIDENT:—"The House will now resume discussion on the Report of the Madras Estates Land Act Committee."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir I crave your indulgence for a few minutes more to-day. I was stressing, Sir, yesterday the difference, the essential difference, between the principles of the interpretation of an isolated grant or gift of property and the principles of interpretation that should be applied to a whole system of administration of land revenue. The two things are wholly different and the narrow construction that should be applied to the interpretation of a gift or a grant of an isolated kind does not and cannot apply to large measures of administration intended to cover the whole country, which, if we understand aright the Permanent Settlement of 1802, was the intention of the framers of those regulations."

"It has been argued—I think by Sir K. V. Reddi—that in the preamble to the Permanent Settlement Regulation it was not expressly indicated that the payments on the part of the tenants or the ryots were to be fixed, and what was fixed was only payment by the zamindars to Government. I did not expect that such claim could possibly be made when along with the same regulations which gave the title to these zamindars, regulations were passed which gave distinctly fixed specific shape to the rights of the pattadars as recognized by the Government. I am referring to what has been repeatedly referred to—the Patta Regulation of 1802. If the other thing was the regulation for the zamindars, this is the regulation for the pattadars. Neither should be considered less important than the other. Now I wish to draw the attention of hon. Members to the preamble to the Regulation of 1802. If the analytical notions of artistic legislation of the legislators of those days can be understood by us at all at this distance of time, I claim that they were perfectly right and consistent with their own ideas in putting one preamble in one regulation and the other preamble in other regulation. Now in the Regulation of 1802 which dealt

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with the ryots, let us read the preamble. It says: 'It being advisable that the existing indefinite mode of dividing the produce of the earth, and of accounting for the customary ready-money revenue, should be abolished to the end that cultivators and under-tenants of land may have the benefit and protection of determinate agreements in their dealings with superior landholders and farmers . . . Can anything be clearer than this language? Once for all it condemns the system of yearly indefinite division of the produce of the earth and of accounting for the ready-money revenue by that process. The plain fact is that they were tired of disputation and corruption and so on and they wanted a determinate system of collection of money from the tenants or the ryots by the zamindars, whatever you may call them, and it was for that purpose that the 1802 laws were enacted. This is to my mind perfectly clear and we cannot close our eyes to one preamble while reading the other preamble.'

"Then Sir, much stress has been laid by the hon. Member whom I referred to, particularly on the fact that the pattas of the ryots were to be exchanged yearly. I think, Sir, Mr. Peddi Raju conclusively answered it by referring to the practice prevailing even under the Government, and Government do not claim the ownership of the land in those areas. Apart from that, common-sense must govern us. Yearly patta and muchilka do not create yearly contracts. What do the regulations say? You shall give a patta every year. What does it mean? Surely there cannot be any question of agreement if one party is bound to give patta every year. It is something like saying that the High Court shall give a sanad to every pleader every year. It does not mean that it is a yearly contract. It is wrong to assume and say that when an obligation is laid down, the patta is an yearly contract. It is something like telling the two parties: 'This is the land to be divided; you have extended cultivation so much more; you are trying to have garden so much. It has been measured now and this is the amount you have to pay father, son and purchasers of property.' It wants to fix relations between themselves and the zamindars and it is for that reason it is an yearly act. It is a custom. It may not even be laid down in a preamble. It is this according to the customs of the country. Patta and muchilka were exchanged between the peasants and the zamindars. From that no argument can be drawn that the tenants' position is a very uncertain tenure.

"Then, Sir, I crave the attention of hon. Members once again to what Sir K. V. Reddi read—section 7 of the Patta Regulation of 1802. He put a very curious construction upon it. The language is very simple. Clause 7 says: 'Proprietors or farmers of land shall not levy any new assessment or tax on the ryots, under any name or under any pretence; exactions other than those consolidated in the patta, or otherwise authorized by the Government

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shall, upon proof, subject the proprietor or farmer to a penalty.' Let us leave the penalties aside. Proprietors or farmers of land shall not levy any new assessment or tax on the ryots. It has been argued, that no new forms of taxes may be levied on the tenants, that the prohibition was only against the zamindar levying new forms of taxes, but that the zamindars are free to enhance old taxes, that he may go on increasing the land tax, which they took so much trouble to settle under the Regulations of 1802. This construction may look plausible to the mere lawyer, but I want human minds to be directed towards it. If the law went to the extent of saying that you shall not levy any taxes, because they assume every tax was fixed and could not be increased, the zamindar having been tied down to the non-enhancement of land tax, he might have recourse to subterfuges and levy taxes under new names. That was prohibited by clause 7 of this Regulation. The Regulation therefore laid down what has been considered to be a principle from which *a fortiori* you can draw the inference that enhancement has been ruled out altogether. If a particular authority or officer or institution is prevented even from introducing a new tax, it means clearly that they had already disposed of the old tax and they should not be increased. Otherwise there is no meaning in this prohibition. If the man could increase and go on increasing the land tax, where was the necessity for him to go in for a new tax under one name or another name? There was no necessity for them to lay down the rule that you cannot levy a new tax. New tax becomes leviable by a greedy landholder only because he has already been prevented from increasing the tax that has been admitted to be lawful. That is the meaning that should be given to section 7; and the construction put by Sir K. V. Reddi or attempted to be put by him that a new tax may not be levied is a childish construction. Excuse me for saying so. It would nullify the whole proceedings, it would nullify the preamble and the objects of the regulation under clause 7 altogether.

"And then, Sir, lawyers, pure and mere lawyers again . . . (Dr. Sir K. V. Reddi: 'Children') I said the construction is childish. I go further in saying that Sir K. V. Reddi cannot believe that this construction is right. It is possible to argue, but it is difficult to believe oneself in such a proposition. Then, Sir, it was said and I think here is the most important detail in the whole debate. People are arguing that fixing of rent means and is interpreted to mean only this much, namely, half the produce is the share of the zamindar; this was fixed, not the money as the Prakasam Committee wants the valuation. Now, I want to know whether this thing can stand any examination. Let us apply our imagination for a moment. If what was fixed is only this half-share, was it conceivable that this could be increased? Supposing this regulation was not passed, is it the idea of hon. Members that it is possible for the zamindar to take more than half of the produce of the land? Is it imaginable that they could take

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three-fourths or two-thirds? It is impossible. If anything was fixed, it is the amount that should be paid and not the share. The share was already of Himalayan proportion and it would not be possible to increase it by any construction and therefore the idea and interpretation that this Regulation of 1802 merely prevented the zamindar from increasing by two-thirds or three-fourths or seven-eighths is again, I submit, a childish interpretation. What was fixed therefore was something else and not this monstrous and already huge proportion of one-half. This is exactly what I read: 'It being advisable that the existing indefinite mode of dividing the produce of the earth . . . That was what was fixed. Therefore let us see like people with common-sense what should have been done. Reference was made to the claim as to why 1802 should be taken up as the standard. If I remember right Sir K. V. Reddi said why 1801 was referred to in 1802 and asserted that we cannot now be referring to 1801 as the starting point for this measure. That argument looks plausible. But let us examine it deeper. What was then claimed was the amount of assessment. It was not in kind and therefore was not left to be measured every year again on the threshing floor. So the amount was fixed. How can it be fixed? They took the previous year's average price, i.e., of 1801. If every year we have to go back to some other previous year, what was the use of all these Regulations? The kind of interpretation suggested by Sir K. V. Reddi Nayudu, if put, would mean that we will have to pass a Regulation every year, that is to say, in 1802 one, in 1806 one, 1807 one and so forth. Surely that was not the object of making laws at that time. When they wanted to fix the money value of the rent payable at that time, they wanted to ascertain the average price of the previous year and fix the money value of the rent for all the years to come. Now let us refer to the payments made in 1801. The payments were made according to certain known standards and fixed standards. It is not as if after the payments were made in 1802 that standard comes to a termination. That interpretation cannot be accepted. I therefore submit that 1801 is something sacred and that is the right construction which has been put by the Prakasam Committee.

"Sir, I admit that laws can be changed at any time. Nobody denies that right. You may change the law, if you like, every year or you may not do it. But what was fixed in 1801 would have been made applicable if the law was not changed in the interval. It is said that this increase in rent which is now said to be illegal was not considered so by great lawyers—a series of names of gentlemen have been mentioned here, the names of very respected and able lawyers—and that if they did not discover this, it is not open to the present Committee to discover it. This is not a thing which has been discovered now. Every time, when this question was taken up, it was discovered and it was claimed and it

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was put forward. These things were discovered by Mr. Crole, Mr. Forbes, Mr. Hodgson and a host of other people, who had something to do with the history of this legislation. They discovered it each time, but their good intentions were overcome by certain other methods. What we say is we shall not be so bamboozled now. We claim our interpretation with regard to 1802 as the correct interpretation, and that is the principle on which the Committee has proceeded with their recommendations. Is it not as if we are saying that we have discovered this as Columbus discovered America? Even in the case of discovery of America by Columbus, years afterwards it used to be said that the thing looked as if it could not have been discovered by Columbus. It is said, 'It is so simple; it is not as if nobody else could have discovered it.' But I submit that simplicity is not an argument against discovery. It is not a wrong interpretation that is put on it. I cannot accept any other interpretation which does not carry out this object, viz., that the amount fixed should never be altered.

"Now I come to the last point, viz., that the principles of interpretation that should be applied to isolated grants cannot be applied to a whole system of grant of land tenure. This was anticipated in clause 13 of the sanad that was given to every zamindar. This can be found quoted in the subsidiary appendix volume that has been circulated to hon. Members. The 13th article reads thus: (page 2 of the Addenda to the Appendices to the Report):

'To enact Regulations for the security, protection and prosperity of the subjects of the British Government . . . and for the improvement of the condition of the people.'

Of course, I hope, it will not be argued that the word 'subjects' does not refer to the pattadars in the zamin areas and that they are not the subjects of the British Government, but only the subjects of the zamindar. Therefore, it stands to reason, I submit, that the interpretation that the Government have put is the only correct interpretation that could be put. Sir, these laws which everybody wants to be corrected must be corrected. It is open to the Government to change them. The cry that this is confiscation and expropriation must not be raised."

* SRI RAO BAHADUR M. RAMAN:—"Mr. President, much has already been said on this subject and it is rather difficult to deal with this subject that has been so thoroughly dealt with in all its aspects such as political, economic and philosophical. I shall therefore be content with making my observations briefly on a few points, stating my personal views on the subject discussed. I must in the first place congratulate the Committee for the amount of work turned out in the time at their disposal. A large volume of literature on the subject is now available as a result of their arduous work, and whatever may be my opinion about their conclusions, I admire their courage in attempting to overhaul the whole problem.

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"The economic condition of the ryots, their poverty and their unemployment, brought about by periodical famine and occasional devastation by floods and by the general economic depression and the low price of agricultural produce, all these have reduced the ryots to a deplorable state of want and penury. Agriculture is a poor industry in any country and as Lord Rosebury once said, 'From the beginning of time agriculture had been in a state of complaint. It is the necessary condition of a trade or calling which is at the mercy of every whim and humour of nature. It is impossible to put any limit to the afflictions which in the ordinary course of nature harass the agriculturist; when he has an abundance prices fall, when prices rise there is nothing to sell.'

"In this Province the ryots suffer also from the evil effects of small holdings. We have a large number of pattadars cultivating lands of less than 1 acre earning about Rs. 20 to Rs. 25 a year—about Rs. 2 a month for a family to get on. With this they must find their food, clothing and innumerable other expenses—social and religious. They are not able to stand any further strain due either to natural causes or to oppressive treatment by the landlords. In trying to remedy poverty and misery do not go entirely on the wrong track as is suggested in the Report.

"There are on the other hand the zamindars and big landholders who are losing touch with the ryots owing to the political condition in the country. In the olden days, and in many cases even to-day the zamindar took greater personal interest in their villages and identified himself with everything that was useful. The ryots looked upon the zamindar as a friend and relied upon him for help and advice. There was therefore an atmosphere of mutual love and harmony. Individual appeals for help or redress of grievances received personal attention, and although poverty and misery did exist, there was less discontent. It is this discontent that is being made use of by the political parties.

"The Committee was constituted with a view to enquire and report on the conditions prevailing in zamindari and other proprietary areas. The enquiry naturally started with a bias in favour of the ryots. We have, however, a mass of evidence in the volumes that accompanied the Report, and much more in the numerous judicial pronouncements and legislative enactments of the past one hundred and forty years. With the help of these let us judge the case fairly and come to a definite and just decision as to how to remedy evils that undoubtedly exist.

"The numerical strength of the respective parties should not be allowed to affect the nature of our decision. Our Sastras have indeed laid down that an individual can be sacrificed to save a village and a village to save a country and so forth. But that course is intended only in desperate situations. The present is not such a desperate position as to require drastic attitude even if we believe in that Sastraic maxim.

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"The legislators have the task of determining the policy for a legislation, understanding the situation for which a change is asked, not only from the point of view of the group which may be asking for it, but from that of other groups which may be affected by it.

"The first and most important question for consideration is whether the rent has been fixed for ever by the Permanent Settlement of 1802. It is very clear that what was fixed permanently was the peshkash. Rent has not been unalterably fixed. From the wording of the Settlement Regulation and from the subsequent practice and various decisions this is clear.

"Restrictions against arbitrary enhancement were, however, introduced in the Act of 1908. According to the system of dividing the crop between the landlord and the ryot the rent is not liable to enhancement. The ryot is protected and enhancement could be only on strictly defined lines. It is not liable to revision for a period of twenty years, and the only ground for doing it is a rise in the price of the staple food-crops in the taluk; and it is also subject to a maximum of two annas in the rupee. Improvement carried out at the expense of the landlord or an increase in the productive power of the land by fluvial action would permit of enhancement. There are other safeguards to prevent unfair enhancement in excess of the value of the waram of the village.

"There is also provision for the reduction of rent on certain grounds such as a fall in prices not due to a temporary cause. There was therefore no permanency but a reciprocal provision for enhancement and reduction. I should not be understood to say that there are no illegal exactions in spite of these restrictions. I refuse to believe that the present rents are in all cases fair rents. They are often very excessive. I think, however, that a drastic legislation is not necessary to put down irregularities, as this could be done by ensuring the strict observance of rules that already exist.

"The Committee seems to think that enhancement effected even on the lines of the provisions in the Estates Land Act of 1908 should be declared illegal. There is no justification for the wholesale disturbance of the existing arrangements by going back to the rates existing before 1802 which, by the way, are for various reasons difficult to be ascertained. There are several factors to be taken into account such as changes in the value of money. The Committee is not prepared to accept the level of rates in the neighbouring ryotwari villages. There is no justification for departing from the principles laid down in the Act of 1908. Enhancement of rent by mutual consent not due to coercion cannot also be objected.

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“ A reversion to the rates of 1802 will, in all probability, spread discontent among the ryotwari pattadars, if the same rate is not adopted in respect of their lands. The neighbouring ryots, often the same ryot holding both zamindari and ryotwari lands, will not easily put up with a meaningless difference in rates where conditions are exactly similar. A retrospective commutation on the basis of the rates of 140 years ago is unlawful and unreasonable.

“ If the whole scheme of things settled by previous enactments and supported by judicial decisions and acted upon for over a century is to be unsettled now, does not a question arise whether the peshkash itself should not also be altered?

“ I wish also to submit that there is evidently an underlying idea that the large increase in the income of the zamindar points conclusively to an illegal levy of rent. As I said already, there are cases requiring redress. There are several other reasons however that were mainly responsible for this increase. The cultivation of new lands is one. There is hardly any doubt in my mind, from what I know of the three largest zamins in the Province, that cultivation has been very largely extended all these years. In the Madras Presidency, in 1855, the area cultivated in the ryotwari tract was 12½ million acres; in 1898 it was 21½ million acres—an increase of 172 per cent. There is reason to believe that there was similar increase in the proprietary estates. During the survey of the estates large areas of encroachment were discovered. This was the case in all the zamindaris that I know of. Speaking about the Vizianagram Zamin, where I had knowledge of almost all the ten tanas, the extent of encroachments was very great. I remember that when I was in charge of the survey there about 34 years ago, I noticed in the village of Narava near the Waltair railway station an inam which was sixteen acres according to the inam deed but where 120 acres were being actually cultivated by the man. One hundred and four acres had to be cut off. This was not an isolated case either. And these lands will naturally swell the zamindar's income.

“ The other important question is that of the proprietary right in the soil. In the proceedings of the Legislative Council of India, Volume 2 of 1852, page 638, Mr. Elliot said that ‘ the meaning of the term “ proprietor ” according to the intention of the Regulation of 1802, was to be gathered from Regulation XXV of that year, which set out by affirming that the Government was the virtual proprietor with whom a permanent settlement of the revenue should be formed, in virtue of which settlement it was declared that the proprietary right of the soil should be vested in them. In point of fact this was the case now under ryotwari settlement in many of the Madras districts. They had been included in the Permanent Settlement and had fallen back to Government by failure of the persons with whom the settlement

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was formed. It was a fallacy besides to regard the ryots generally as proprietors. They were not so *ipso facto* in many parts of the country.’ In Baden-Powell, Volume 1, page 504, it is said, ‘ Looked at with reference to the practical position actually held I do not think that any one who dispassionately considers what influence and hold over the land and the ryots the zamindar really had in 1789, will hesitate to conclude that it was right to call him landlord provided the subordinate rights were adequately secured.’

“ When the question of rent, occupancy right and other matters are settled, the question of proprietary right becomes one of mere academic interest. The two main parties in the ryotwari area are the Government and the pattadar. In estates there is one more besides, viz., the zamindar who takes the place which the Government occupy in ryotwari areas, the Government remaining as sovereign power. Government have in fact two distinct status, that of the sovereign ruler and the landlord. This latter status passed on to the zamindar.

“ By singling out our attention to some undoubted features of the farming system we can argue that the zamindar was originally only a revenue farmer and an official; on the other hand, by doing the same in respect of other features, we can with equal justice, argue that the zamindar was nearer a landlord in the English sense than anything else. But we cannot and ought not to ignore facts and legal decisions and time-honoured custom of over a century and begin to revise what has been settled and quietly accepted long ago. Such a revision is dangerous in principle and will lead to endless trouble.

“ Grant in his political survey of Northern Circars declared in unmistakable terms that the proprietary right of the soil vested solely in the sovereign ruler. Similarly, Sir Henry Maine also thought that the State was the undoubted proprietor of the soil. It is beyond doubt that by the Permanent Settlement and other Regulations of 1802, the Government's idea was to transfer to the zamindar the proprietorship which the Government previously had.

“ Baden-Powell says:

‘ It does not seem to be correct to presume that the zamindari institution is of comparatively recent origin. In Akbar's Aini Akbari there are allusions to zamindars even in Akbar's time. Indeed the term was then used as synonymous with *bhumi* evidently indicating the natural proprietor of the *bhumi* or soil. So the zamindari institution is an ancient one. No doubt the British created some new zamindars on the ground that the proprietary right of the soil vested in the Government and could be so settled.’

“ The zamindars in those days exercised civil and criminal powers and had the power to award capital punishment subject to a report to be made to the Emperor. The fines and other amounts collected went into the private coffers of the zamindar. This was the case during the Moghul period.

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'Under that Government the position of the ryot was also secured. The zamindar could not at pleasure eject a ryot out of his land. The claim of the cultivator for protection was always recognized by the Government.

'The Directors of the East India Company observed that to prevent ryots from being improperly disturbed in their possession or subjected to unwarrantable exactions would be clearly consistent with the true practices of the Moghul Government under which it was a general maxim that the immediate cultivator

mark the term

'of the soil duly paying his rent should not be dispossessed of the land he occupied. And added that subsequent enquiries in the southern parts of India have confirmed these observations. As remarked in page 161, paragraph 383 of V. Report, we should not expect under a despotic Government fixed principles or clear definition of the rights of the subject here he is referring to the zamindar.

but the general practice of such a Government when in favour of its subjects should be admitted as an acknowledgment of their rights.'

"The zamindar is not thus a mere collector of revenue receiving one-third for remuneration.

"Lands relinquished by the ryot reverted to him; when a ryot died intestate the property reverted likewise to him. When zamindari lands are acquired by Government the zamindar is also paid the compensation. He has also to repair irrigation channels. In ryotwari areas the ryots pay cess but in the zamindari area half the amount is paid by the zamindars. All these facts cannot be easily brushed aside.

"Sir, I shall now very briefly dwell upon the condition of the zamindars before the Permanent Settlement and the circumstances that led up to it and its significance. I submit that this is a very important portion, especially as many people think that the reason for the Permanent Settlement was something else.

'Besides the Rajas, chiefs and ancient grantees who had a real hold over the country and already spoken of as zamindar, other classes of persons were employed as farmers and the same name and the same designation came to be applied to them also. The old Rajas were already established in their rights to take a share of the produce besides having a more or less definite claim to all waste lands and certainly the unquestioned right of bringing it under cultivation for which purpose he made grants or located his own tenants. He had also tolls and dues of all kinds for traders and artisans. His estate was of course hereditary and probably if it was that of a Raja or greater chief the custom of primogeniture was established.'

"At the Permanent Settlement sanads were granted to these and to the new kind of proprietors.

"It is worth while to enquire the immediate object of the Permanent Settlement. During the later Moghul rule there were no fixed principles for the levy of exaction from the zamindar by the Government. The zamindars in North India were becoming restless and were giving trouble. To put a stop to this the Permanent Settlement was decided on."

SRI L. SUBBA RAO:—"Mr. President, may I know if a written speech is permissible? I think it can be taken as read."

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Mr. PRESIDENT:—"How long will you take, Mr. Raman, to finish it?"

* SRI RAO BAHADUR M. RAMAN:—"I request the President to give me twenty minutes."

Mr. PRESIDENT:—"But you have already taken twenty minutes."

* SRI RAO BAHADUR M. RAMAN:—"I do not know why there should be a special request to avoid reading in my case, especially when so many hon. Members have been reading their speeches. Because I had to quote from books, I had to prepare my speech."

SRI L. SUBBA RAO:—"My point was only about the reading, not about the time taken."

Mr. PRESIDENT:—"It is an important subject that we are discussing, and it is better that Members make notes and use them during their speeches."

* SRI RAO BAHADUR M. RAMAN:—"I am not going to take more than four or five minutes more, Sir; at least for the benefit of my friend over there, I shall cut short my speech. The Government thought it fit to fix the peshkash so that whatever balance was left might go to benefit the zamindar and the cultivating tenant. It is clear that Government did not attempt to determine the respective shares to be appropriated by the zamindar and the cultivator. That was apparently left to be decided by the zamindar himself.

"The sanad reads partly as follows:

'You shall be at full liberty to transfer without the previous consent of Government or any other authority to whomever you may think proper either by sale, etc., your property right in the whole or any part of your zamindari. Such transfers of yours shall be valid and recognized by the courts and offices of Government.'

"As would be gathered from what I have already said the zamindari was an ancient institution but its origin was shrouded in oblivion. The Permanent Settlement clearly laid down certain privileges and duties and the sanad involved a kind of solemn agreement by the Government transferring to the zamindar especially those newly created, proprietary rights which the Government believed it possessed. Is it within the power of the legislatures to materially alter the character of the Permanent Settlement and to go back on what the sanads conferred? And this without any compensation. It is not only altering the character but actually striking off the Permanent Settlement from the statute book if the legislation proposed is carried out.

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"Eminent European and equally eminent Indian judges of the High Court have decided these questions times without number. I cannot admit that these are of no value and the Judges did not know what they were doing.

"We cannot also ignore the Act of 1908. By introducing legislation on the lines of the majority report the effect would be to set at naught the Permanent Settlement of 1802.

"If after all it is decided that legislation is essential, a committee might be formed of judges, jurists, experienced statesmen and representatives of parties—a committee in which the parties concerned will have perfect confidence. The legislation should be based on well-defined economic programme calculated to bring greater prosperity to the actual cultivator, instead of benefiting thousands of non-cultivating pattadars, merchants, lawyers and rich men in towns who take no interest either in the routine of cultivation or in the development of the lands, whose one aim is to squeeze out the maximum amount from the man who cultivates their lands.

"Reading the report carefully one is forced to think that the evidence and arguments for the plaintiff are over but that those for the defence is yet to come. Except for the dissenting minutes of the Raja Sahib of Mirzapur there has been hardly any attempt to show the other side of the case. I must not fail to say that documents favourable to the other side seem to have been ignored. Mr. Hodgson's report is referred to but what about the orders passed thereon by Board and Government?

"Legislation on the lines of the majority report would benefit the pattadars who are now the real power in the land, whose votes decide the life of Governments. You are however ignoring the actual cultivator, thousands of whom are not pattadars and are powerless. There are again thousands of agricultural labourers who derive no benefit—not even the indirect benefit from an improvement in the condition of their master, of the cultivating tenants. This will thus mark the beginning of a fresh trouble rather hard for solution.

"I must add here that the poverty of the ryots and the consequent indebtedness are not confined to the agricultural industry, nor are they confined to the zamindari ryots. Admittedly there is oppression and irregularity here and there, but these minor matters do not require for their remedy such a violent measure. Let us not use a steam engine to kill a fly.

"Yesterday the Hon. the Premier threw out a challenge to take a ryot to his field along with the zamindar and asked if the zamindar would dare say that it is his field. What about another challenge this time to the ryot to say to whom the village belongs?

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To the zamindar the field is one in his own village just as to the ryot the field is one in his occupation. To use a parable the link belongs to the chain and the chain to the surveyor.

"Whatever you do, let it be for the lasting good of our people and our country; let it bring peace and contentment."

* SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—"Mr. President, the ryot in zamindari areas as well as the ryot in ryotwari areas is proverbially too poor for many reasons and circumstances. He is not able to pay his assessment annually and regularly to the Government in Government areas and to the zamindar in zamindari areas, because of the fact that he has to pay heavy rates of assessment in both the places. He is not able to realize even the amount he invests for raising the particular crop, with the result that he has to go and borrow money from time to time, and the lands are therefore sold and resold; history bears eloquent testimony to this state of affairs. It is true, Sir, that the rate of assessment in some zamindari areas—but not in all—is really very high, when compared to the rate of assessment paid in Government areas. The ryot is driven to the painful necessity of filing suits very often whenever there is a dispute with regard to rents; therefore, the ryot in the zamindari area becomes more and more poor. I do admit that the Hon. Minister for Revenue has taken up this question very seriously and he has come up before this Council with the report of the Committee that was constituted to investigate and submit a detailed report on this question. But it is an accepted political principle, Sir, that it is the duty of the State to give maximum happiness to the largest number. I ask, what is the number of ryots in the zamindari areas and what is the number in the ryotwari areas; I ask, in what proportion is the number in zamindari areas when compared to the ryots in the ryotwari areas?

"This matter has been pressed on the floor of this House many a time; I think Mr. P. J. Thomas brought forward a resolution requesting the Government to appoint a committee of officials and non-officials to investigate and submit a report with regard to the present land revenue system in the ryotwari areas. Again, my hon. Friend, Mr. Samiappa Mudaliyar, brought forward another resolution to say that the assessment in ryotwari areas should be decreased by 33½ per cent. The present condition of the ryots has been placed before the House by hon. Members on many occasions; when they discussed the budgets many hon. Members have pressed again and again the question of revising the present land revenue system with regard to ryotwari areas. The other day I put a question to the Hon. Mr. Prakasam whether the Government were prepared to reduce the assessment this year, having regard to the present famine conditions in very many districts in the Province. I asked him also whether the Government would be prepared at least to postpone the collection of kist to the month

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of April. My Hon. Friend, Mr. Prakasam, said that the Government could not undertake to do any such thing. As a matter of fact, the Collector of Chittoor issued a circular in December asking village officers not to collect kist in the month of December; we were under the impression perhaps we would not be troubled until April. After the Pongal festival, the Collector issued orders, 'Pay the kist not only for January but for both the months of December and January in one instalment.' That is the state of things that is prevailing in the ryotwari areas.

The Government issued instructions not to collect assessment from persons who pay below Re. 1, pending final orders of the Government; but we now find that the amount from a large number of such persons also has been collected. I am bringing all these points to the notice of the House not because I am against reducing the assessment in zamindari areas, but to show how the ryots in ryotwari area also are suffering, though they are under the direct and immediate control of the Government. All parties have agreed that the present land revenue system in zamindari areas requires and demands immediate and thorough overhauling. I entirely agree with the Hon. Mr. Prakasam that the rates of assessment in zamindari areas are high and that they deserve immediate reduction; that is a question beyond dispute. But the question is whether the present proposal of calculating the rate according to the method that prevailed in 1802, is right. If we look at the history of the land revenue system, we find that it was the village community that owned the land during the Hindu and Muhammadan periods and the earlier part of the British period. In the beginning there was joint cultivation and subsequently individual ownership cropped up and all the lands which were hitherto under joint management became separated and the joint management system was abolished. During the Hindu period the rate was one-sixth. During the Muhammadan period it was one-third and it became 50 per cent gross by the time the British people came into power, i.e., when they introduced the Permanent Settlement system. At the time of the Permanent Settlement half the produce was taken by the tenant and half was set apart as the amount payable to the ruler. The Crown assigned its rights, title and interest to collect that money in favour of the zamindar in consideration of the zamindar paying two-thirds of the revenue. From this we find that half the gross produce is the share of the ryot at the time of the Permanent Settlement. Then the question that presents itself is, whether half gross produce that has to be paid now as rent by the ryot is justified on the ground that it had been so in the past at the time of the Permanent Settlement. As indicated in Chapters I and II we are told the rates prevailing at that period were far in excess of what in normal conditions, a settled Government was entitled to receive. Therefore the half gross basis that was adopted for the determination

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of the Government's demand must work a great hardship to the ryot if that should be adopted at the present moment. Generally in those days the ryots were paying the revenue in kind. There are at the present moment some zamindaris where waram rate is prevailing. There is no justification for commuting the waram rates into money rates at the price prevailing in 1802. The assets basis that has been proposed as one of the bases is very difficult to conceive. There is no principle involved in the method.

In calculating the rate of rent the Report depends upon the figures supplied at the time of the Permanent Settlement and there is nothing to show that these figures are the correct ones. Interested parties could have easily manipulated figures to support their interest and cause. Again I think there is nothing to show that they have measured the various hills and dales, the forest areas and the streams and arrived at the correct area of that portion of the estate that was under actual cultivation. Now we are told, Sir, the area under cultivation in Vizianagram is less by nearly one lakh of acres. The Report says that in 1801, 58,497 garces of land were under cultivation. To convert this into acres they multiplied 58,497 by 10 and odd and thus arrived at the figure of 625,000. That is to say, it is contended that one garce of paddy was taken to be the yield from 10 acres and odd whereas we are informed that is not 10 acres as it is calculated now but it is only 2 acres of wet land or 4 acres of dry land. Which figure is correct then, there is nothing to show. There would be no trouble, Sir, if the area either under cultivation or waste was shown in the accounts of Permanent Settlement in acres but it was shown as garces in some estate and 'thumu' in some other estate and so on and so forth. I am told, in some zamindari areas the rates would be 2 or 3 rupees per acre, and in some it will come to Rs. 20 or 25. The villages which were prosperous at the time of the Permanent Settlement have decayed and disappeared and new villages have sprung up where waste lands were brought under cultivation. To find out the exact area under cultivation at the time of the Permanent Settlement is too difficult and practically impossible.

I am afraid many complications may crop up in working out this scheme. I am of opinion that prior to 1802 there was no distinction made between the ryots who happened to have become zamindari ryots and ryots who were outside such area. And even now we cannot differentiate between the burden of the zamindari and that of the Government ryot in the matter of paying public revenue with any degree of justification, for, all are liable to be equally taxed. And so to me what appears to be the most natural and most reasonable thing to do is to place both the zamindari ryot and the ryotwari ryot on the same footing. If that is done there will not be any ground either for the zamindari

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tenant or the ryotwari tenant to agitate. This, I believe, is supported by the bulk of evidence tendered on behalf of the ryots in zamindari areas. I heartily endorse the recommendations made by my hon. Friends, Mr. Rangaswami Ayyangar and Mr. B. Narayanaswami Nayudu, i.e., 'that all the zamindari areas be compulsorily surveyed and on principles analogous to and identical with those under which ryotwari areas have been settled taken in conjunction with the recommendations of the Marjoribanks Committee Report, the rates fixed on such survey and settlement should be fixed for ever.'

"I think it is quite desirable that the work of collection of rent should be in the hands of the Government even in zamindari areas. If that power is given to the zamindar, I am afraid no love will exist between the zamindar and his tenants. The village officers must be entirely under the control of the Collector and subject to his orders; the Government may, if necessary, take 10 per cent of the collections towards their expenses and pay the remainder to the zamindar. This will also give necessary facilities and help to the ryot; it will be in the interest of both the ryot and the zamindar. Otherwise I am afraid there will be no co-operation or real love between the zamindars and the tenants.

"With regard to forest laws, a large number of hon. Members in this House have stated that the Government must give facilities to the ryots in Government areas to get grass, firewood, green manure and wood for domestic and agricultural purposes from reserved forests free of cost. You know, Sir, that the Government said that it is not possible in the present circumstances to grant such facilities to the ryots in the ryotwari areas. But, however, I feel that all the powers with regard to forests should be given entirely to the village concerned. I would say that the ryots really require all the facilities which I have referred to, if they are to conduct their agricultural operations successfully and profitably. The ryots must have the freedom to get all the necessary wood, grass and leaf manure from the forest, which they require for agricultural purposes. They must have also the privilege of grazing their cattle freely. The forests in general should be in the hands and control of the zamindar and the Government should have supervision over and above the zamindar as they have over village panchayat forests in Government area. With regard to Government forests, they have village panchayat forests. The Sub-Collector or the Collector of the district periodically inspects the forest areas that are under the control of the village panchayats. The Government may reserve such powers here in the zamindari area also.

"Again, Sir, with regard to survey of zamindari areas, I asked the other day the Hon. Minister for Labour and Industries whether it is not possible for the Government to establish land

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mortgage banks in zamindari areas; he said he could not do so, because the zamindari area is not surveyed. I think it is but necessary that the zamindari areas should be surveyed with the result that the Government can give more facilities to the ryots by opening land mortgage banks. Sometimes the ryots are made to pay not only for the lands they cultivate but for those which are under others' management. There are a number of instances where such mistakes have occurred. It is therefore very necessary that the lands in zamindari areas should be compulsorily surveyed.

"Sir, I wish to raise one point which has not been touched at all in this report. In the zamindari areas, there is what is called 'maintenance allowances paid to the members of the zamindar's family. That is to say, the zamindar is compelled to pay certain amounts to some of his close relations; such amounts are based upon the income derived from the estate. Under present conditions, it becomes a liability on the estate; suppose the income of the zamindari goes down to a large extent. Now the question is whether the zamindar is bound to pay the sums originally fixed or not. I wish to point out that the Committee has not fixed the proportion of the amount to be paid to the relations of the zamindar. I would suggest that the Government should consider this question also to avoid litigation in future.

"Sir, I have not heard anything from the Hon. Mr. Prakasam and the Hon. Premier about the inam villages; inams have not been included in the observations of the Committee. I would suggest that, in spite of the area concerned, whether it is an inam area, or a zamindari area or a Government area, there should be only one class of ryots. For the sake of convenience and in the interests of the ryots, it is better if this proposal is given effect to. I only wish to impress upon this House that the ryot in zamindari area, or ryotwari area, cannot be placed on a different footing from the ryots in an inam village."

* S. K. AHMED MEERAN SAHIB BAHADUR:—"Mr. President, Sir, let me first of all congratulate the Committee on this monumental work they have turned out. One might or might not agree with all the conclusions arrived at, but every one must pay his compliments for the untiring patience and industry shown in producing this report. The authors of the Report have unearthed so many documents which would not have seen the light of day in the ordinary course of things. And Mr. Prakasam has made out a very strong case that the rent was fixed in perpetuity once and for all in the year 1802; a case which if, before this Report, anybody had put forward before a court of law or before any gathering, would simply have been pooh-poohed. He has made out a very strong case which could ordinarily be called an unarguable case before a court of law. It might or might not be correct, but the

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fact that he has made out a strong case for the fact that the rents were fixed in perpetuity once and for all in 1802 must be borne in mind. After all, by discovering and bringing forth so many ancient documents and Government records, he has proved that at least what was intended by the Permanent Settlement Regulation was that the rent or land revenue must be fixed in perpetuity. I personally do not believe that the conclusion is correct, so far as the interpretation he has put upon the Patta Regulation of 1802 is concerned; but I do believe, after reading the Report, that the framers of the Regulation meant it to be fixed in perpetuity, although at the same time, on a reading of the relevant sections of the Patta Regulations or the Rent Recovery Act, one cannot say that there is sufficient ground or an unimpeachable ground to say that rents were fixed in perpetuity. I do say that the courts were correct in their interpretation of these provisions, because they had only these statutes before them; they did not have the reports of the speeches of the Hon. Mr. Crole or of the Hon. Mr. Forbes or any other documents, which even if they had access to, they would not have been entitled to take into account. Neither had they the Revenue Recovery Bill of 1865, nor were they expected to go through the various stages of a Bill after its introduction in a legislative body up to the time it emerged from the Select Committee and was passed into law, or even to find out how a member who sponsored the Bill made his speeches at all those stages. They had only the relevant statutes before them, and on the materials placed before them, they came to the conclusion which in their opinion was correct. I really believe, Sir, that the wording in those relevant statutes alone does not warrant the conclusion which the Committee has come to, viz., that the rents were fixed in perpetuity. I shall not, however, endeavour to prove to this House how my conclusions in this respect were correct or how I differ from the conclusions of the majority report; because, in my opinion, it will be a futile task. Such a thing can be done only before a court of law. What are the essential requisites that go to make up a correct decision in a court of law? First of all, the Judge must hear you without any prejudice: he must have a clean open mind and must be open to conviction up to the last moment. But in a legislative body where we have party discipline, where we have our own settled prejudices and convictions, how is that possible? I am not finding fault with members on this side or of the members on the other side; I am just stating matters which are facts. When once we are on the forum of a legislative body with settled convictions and settled party discipline, it is futile on the part of anybody to argue and try to show that the conclusions of the majority report with regard to fixing the rates of rent in the year 1802 in perpetuity was wrong or was incorrect. Therefore, I leave the matter at that point.

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“Sir, before I go further, I may say that I do believe that the strongest point in favour of the majority recommendation in the report to the effect that rents were fixed in perpetuity in 1802, is the fact that the peshkash which the zamindar is paying to the Government is fixed in perpetuity. That is the strongest piece of evidence in favour of the majority recommendations. That is a very relevant factor to be taken into account in deciding the question whether rent was fixed in perpetuity in 1802 or not. Personally, I am also inclined to think that the rent was fixed in perpetuity; but as matters stand to-day, having regard to previous statutes, I do not believe that the rent was actually fixed in perpetuity. Anyhow, I shall now take up other points and return to this point later on, if necessary, in greater detail.

“Sir, so far as the Permanent Settlement Regulation is concerned, I do believe that the East India Company sold away our rights in perpetuity for a paltry sum. It must be noted that the zamindari areas cover one-third of the whole Province; and what are they paying? They are paying to the Government about Rs. 47½ lakhs by way of peshkash. And as against that, the rest of the Province covering about two-thirds of the whole area, pays about Rs. 6½ crores by way of land revenue. Is it fair, is it just, is it equitable? This fact staggers anyone who wants to tackle this problem. Perhaps the East India Company, placed as it was in the year 1802, considered it expedient to sell away or mortgage our rights once and for all for such a paltry sum. Perhaps the circumstances then prevailing justified such action on their part. Perhaps they themselves were not sure that they were going to be the permanent rulers of this country, as they are to-day. They were only a company then, and the country was then very unsettled. There were no roads and no means of communication as you find to-day. Many lands were lying uncultivated. Taking all these facts into consideration and also the fact that many of the zamindars might have helped the Company or the then Government in one way or another—as in the case, for instance, of Udayarpalaiyam, in which case only a peshkash of Rs. 600 had been fixed—they fixed the peshkash at a permanent figure of Rs. 47½ lakhs. This is the amount we find to-day in the Budget Memorandum—a very paltry sum, considering the area they cover and also considering the fact that the rest of the Province pays about Rs. 6½ crores by way of land revenue. In my opinion, that might be a very good ground, Sir, for trying to find out ways and means to see that the Permanent Settlement Regulation itself is repealed or to see that the zamindars are made to pay a larger amount by way of peshkash to the Government. I expected, Sir, in the ordinary course of things that this Committee, when dealing with this question of redressing the grievances of the zamindari ryots, would suggest definitely

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the repeal of the Permanent Settlement once and for all, or at least see that the zamindars were made to understand that they must contribute their full quota if they wanted to continue as zamindars and form part and parcel of this Province. If they wanted maintenance of law and order, if they wanted any help or amenity from the State, they must be prepared to pay their due share of the revenues to the State. They cannot merely try to have all the benefits for themselves, without taking their due share of the liabilities. Sir, I expected the report to say something about the repeal of the Permanent Settlement Regulation, or at least to suggest to the Government to take the necessary steps to apply to the Secretary of State or to the proper authorities concerned, to see that the Permanent Settlement Regulation was modified.

“And even taking it that the Permanent Settlement Regulation is unalterable or that it is impossible now to get the permission of the Secretary of State or the proper authorities to cancel or modify it, I expected the Committee in the ordinary course of things to have recommended a tax on the agricultural income of these zamindars, rather than go into abstract theories with regard to the ownership of the soil, etc., which we find in the report. Unfortunately, the Committee has plunged into these abstract theories as to who is the owner, who has got the right, whether rents were fixed in perpetuity in 1802 or not, whether it could now be gone back upon or not, whether the varam rate could be commuted as per price levels in 1802, whether there are enough materials before us to fix the rates of 1802, etc. As I said, Sir, it would have been much better for the Committee to have straight-away said: ‘This Permanent Settlement Regulation is the most inequitable piece of legislation that has been enacted; as successors of these people who were at the helm of affairs at that time, we are not going to be bound by it; we will take steps to cancel it, or we will try some other means by which the zamindars can be taxed, say on the basis of their agricultural income.’ That is the position that should have been taken by the Committee or even by the Provincial Government as it stands to-day. That would have been the safer course to adopt, without raising unnecessary troubles.

“Anyhow, as matters have taken a different turn, let us examine the present position. What are the recommendations of the Committee? The Committee has stated that the ownership of the soil is in the ryot, that the rent was fixed in perpetuity in the year 1802, that the ryot is entitled to forests, hills, etc., that the ryot is entitled to mining and quarrying rights, he is entitled to irrigation rights, etc. Personally, I might wish that whatever is possible for the betterment of the ryot must have my support; I will be the last person to do anything which will hinder or retard any step suggested by the Committee for the amelioration of the zamindari ryot. Still,

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in my opinion, it looks as if because the zamindar has not dealt with his own ryots fairly and squarely in the past, because he has been oppressing them heavily and rack-renting them, according to the Committee, no justice should be done to him. In my opinion, the Committee has thereby given a handle to the zamindars and other vested interests to say that the Report was made by men who have settled convictions, who have got prejudices of their own and who did not want to do justice as between the zamindar and his tenant. Otherwise, Sir, what does it mean?

“First of all, let us take the conclusion that the rent was fixed in perpetuity in the year 1802. Did any ryot or did any ryots’ association come before the Committee and say that the rent was permanently fixed in 1802? Did any ryot claim that he was entitled to forests and hills? It may of course be very easy for the Committee to say that the ryots were ignorant of their rights. As against that, I may say that it is not as if the ryots were ignorant of their own rights; they knew their position well; it might be that they did not have all the legal talent, but they knew all their rights. I shall give certain facts by way of illustration to show that by putting the case at the highest possible pitch in favour of the ryot, the Committee, in my opinion, has damaged its whole case. If the Committee had been within its limits and said: ‘Very good, the ryot is the owner of the soil,’ I shall assume it for the time-being; although to me, as I said, that question is most academic, because the ryots have certain rights already defined in the Estates Land Act, and therefore the question whether he is the owner or not is merely an academic question. Anyhow I shall assume for my present purpose that to-day the ryot is the owner of the soil. Why should you go into the other question whether rent was fixed in perpetuity in 1802? Why not try and find out 12-15 and work out an ordinary practical solution as to which would be p.m. the fair and equitable rent to-day? Would it not be more convenient?

“I will take the items one after the other to show how the members of the Committee, I mean the majority of the Committee, have placed their case at a very high pitch. Now, let us take the question of forests and see what are the groups of questions relating to the forests which the Committee itself has framed. On page 261, group VI, question No. 7 (a) says: ‘What are the rights of tenants with regard to the utilization of local natural facilities such as grazing of cattle, collection of green manure or wood for agricultural implements?’ Nobody has any grievance with regard to that. They may or may not have rights, for it all depends on certain circumstances and considerations; and I am willing to accept the findings of the Committee in regard to that. Question No. 7 (b) says: ‘Have the tenants any inherent right to use them for their domestic and agricultural purposes free of cost?’ This

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is also all right. But in regard to question No. 7 (c) it is stated 'What are the respective rights with regard to the public paths, communal lands and hills and forests and porambokes as between the tenants and landholders?' This question is no doubt very good. Please note the words 'as between the tenants and the landholders.' As regards the earlier part of the question relating to public paths, communal lands, etc., it is no doubt a very relevant question. Of course in regard to communal burial ground, communal porambokes and other things, we are willing to accept the recommendations of the committee. But, with regard to hills and forests, they are also clubbed along with communal porambokes in the question. Taking it for granted that they are also communal land, the question is in respect of the respective rights as between the tenants and landholders. The question naturally assumes, when it was framed, that the landholder had certain rights with regard to forests and hills. Now, let us see, what the finding of the Committee is on this matter. No doubt the question was innocently framed and I take it that it is a very good question. The Committee says that the landholder has absolutely no right with regard to forests, no right with regard to hills, but the ryot has got absolute right over the hills and forests. I will here read only a few sentences from page 262 as to what the Committee says:

'Our finding on this after consideration of all the recorded evidence and the complaints heard from the various individuals and also associations, is as follows:—

"As regards clause (c) they have undisputed rights over all the public paths, hills and forests, porambokes—not a right derived from the landholder, but one which they and their ancestors had been enjoying. Their rights are all historic matters."

The whole thing has been put in a nut-shell with regard to these forests and it is found at the bottom of page 262. The Committee say:

'There is no question about the right of the ryot to porambokes, hills and forests and forests produce, etc. This right must also be declared in unambiguous terms in the new Act.'

They have put their finding in the draft Bill on page 283 in clause 4 (11) (a) in the following terms:

'Subject to the provisions of the Madras Forest Act of 1882, ryots are hereby declared to have proprietary right to the soil in all forests and to the customary rights of grazing, taking green leaves for manure, and cutting wood for domestic and agricultural purposes,' etc.

I want to know whether the ryots claimed any proprietary right over the soil in the forests before then. Then why should you put their case too high? Were they ignorant of their rights? This, I think, is doing injustice to the zamindars. Perhaps there is no one to sympathize with the zamindar; he does not deserve any sympathy; it may be so. But, merely because he has rack-rented the ryot, he has oppressed them, because of all these things,

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do you mean to say that he should be denied justice? Certainly not. If you do that, you will be committing the same sin he was committing, viz., that because of his vast influence, and wealth he was oppressing the tenant and rack-renting and was not caring for the welfare of the tenant. If you as members of the Legislature, because of the strength of numbers you are going to do injustice to him, you will be committing the same sin; and simply because you hold power and influence . . ."

MR. PRESIDENT:—"The hon. Member must address the Chair."

* S. K. AHMED MEERAN SAHIB BAHADUR:—"If it is being said that because you have got numbers, you can pass any legislation and if you are going to enact a piece of legislation which will not be doing justice to the zamindar, you will be committing the same sin, as I said before, which they perhaps were doing before.

"I shall proceed further with that clause. Sub-clause 11 (b) says:

'The landholders shall have no right to the soil and shall have no right to prevent the ryot from enjoying the natural facilities stated above.'

"Sub-clause 12 (a) says:

'In waste lands and forests, ryots shall have the right to mine and to quarry and to excavate any mineral wealth or gravel or clay in the ground vertically beneath his holding subject to the condition of paying royalty to the Government under the Mines Act.'

"I do not know whether any ryot put forward any claim with regard to mineral, or quarrying rights so far. The ryot may be entitled to be the owner of the soil and perhaps may be the owner of the sub-soil also; and I am willing to take it for granted for the purposes of argument that he is the owner of the soil. But how can he be the owner of the adjoining forest? He may be living two or three miles away from the forest and did he ever enjoy it as owner? Yesterday, the Hon. the Premier said with regard to the ownership of the soil, 'What is the use of all these legalities and proof as to ownership of soil? The best evidence and the best proof as to whether one is owner or not, is the mental consciousness that one is the owner of the soil. Let any zamindar go to a village, and let any pattadar at the same time go to the village; I challenge the zamindar to say that a particular land belongs to him.' He said that the zamindar would never say that the land belongs to him. On the other hand, the ryot will say, 'This is my land.' When he said that that is the best proof to know whether one or the other is the owner of the land, I put the same test to him so far as the forest is concerned. (The Hon. Sri C. Rajagopalachariar: Do you admit that?) While I am willing to say that any ryot will say so to-day with regard to his own holdings, I want to know whether he said so at any time before that the forest belonged to him? Never mind the ryot not

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bringing forward any such claim. What about the Government themselves? Have they said since 1802 that the forests were theirs? Did they say that the hills belonged to them? I can understand the ryot being ignorant of his rights, but I can never imagine the Government being ignorant of their own rights. This is not only putting it like this, but they want to be positive and make it very effective by saying that the landholder shall have no right to mines or quarries that are under the surface of the land in possession and enjoyment of the ryot in his own holding; that he shall have similar rights to mine and to quarry mineral wealth or stone, in his own private land. If, however, any decision is required, I think all decisions go to the effect that the zamindar is entitled to the forests and hills. And, if any decision of the Privy Council is required, I think 40 Madras, 886, I mean the famous Urlam case, decides the point. After that, subsequent decisions show that when villages were given permanently to the zamindars, not only cultivable land was taken into account, but all the rest of the land also was given to him in perpetuity. As a matter of fact, the judgment of the Privy Council quoted on page 419 says:

'It does not follow that all which is not brought into account in fixing the Jumma or peshkash is excluded from the grant. On this footing many things of great importance to the enjoyment of a zamindari would not pass by a zamindari grant, for example, waste land, farm buildings, tanks, or in the present case, irrigation channels.

So, Sir, I do think that this is going too far so far as the forests are concerned.

"Again, Sir, the report seems to be coloured by prejudice by the fact that the zamindar is a man for whom no sympathy ought to be shown; he is doing havoc; he has been ill-treating the tenants and exacting illegal levy and so nothing can be done for him. That, I think, is not a very desirable course to adopt. I can never for a moment sympathize with the zamindar; I can never sympathize with them in their illegal exactions; I know their ways of life are not at all conducive to the welfare of the country. But, that is no reason why we should be unjust to them. I do not want to allow them to continue in the same position in which they are to-day. But please try to do justice to them. I will take one or two illustrations to show how this Committee has been unjust with regard to the zamindars.

"Let us take the question of irrigation. What are the recommendations of the Committee on the matter? Since their recommendations are put in a nutshell in the draft Bill, I shall read the clause relating to that. It is clause 4, sub-clause (10), page 283 of the Report:

'(10) (a) Landholders are bound to keep in a state of repair the public irrigation works which were in existence at the time of the Permanent Settlement or which have been subsequently constructed and which have been in use for irrigation at any time.'

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"That is no doubt very good.

'(10) (b) Landholders are bound to construct new irrigation works for helping the cultivation, without claiming enhanced land revenue on that account whenever circumstances demand.'

"So, a duty is cast upon them not only to maintain the existing sources of irrigation and keep them in good order, but they are also bound to construct new works. But, what is the incentive for them to do so? They must be prepared to spend their money and not collect or earn anything out of that. Is it possible? So, what is the use of putting in such a provision in a State document. Do you hope that any human being, the more so a zamindar, can do such a thing without getting any additional remuneration in return for the amount he spends on such works?

"The same thing is put in sub-clause (20) (page 292) where they have made the position very clear. It says:

'Nothing contained in this section shall entitle any landholder to raise the land revenue upon any land in consequence of additional value imparted to it by any work of irrigation or other improvement executed at his own expense; or where additional value has been imparted to any land by any work of irrigation or other improvements executed at the expense of Government, and where the landholder has therefore been required to pay an additional sum to Government.'

"Sir, is it not the elementary principle of fairness and justice that when you expect one to do some work upon which he should spend some money, he should expect some return out of it? Are not Government doing the same thing every day, that wherever they construct any new work or dam, they levy some special water-rate? For instance, there is the Periyar dam where special water-rate is charged for those using the water in that area. I think it is the same case with regard to the Mettur dam also. So, it is a matter of every day occurrence. So, it is fair and equitable that when you expect the zamindar to do something, he must be expected to get something in return for the amount spent by him on such works.

"The Committee has held that the rent or land revenue was fixed in perpetuity in 1802. I am willing to admit for the purpose of argument that it was so fixed in that year in perpetuity and I am not against it. It must also be borne in mind that all the zamindars were not receiving their rent in money. Many of them were getting their rent in kind and even to-day that system of payment continues in Ramnad and some other estates. If rents were fixed in perpetuity and as per the Patta Regulation they were compelled to give pattas fixing the rent once and for all, I take it also that that the estates in which the waram rates were in existence should also continue under that system in perpetuity. If that waram rate was fixed in perpetuity and if they are continuing that waram rate till now, they are entitled to that waram or grain share of produce. If that is so, how is it that you now say that they are not entitled to the grain share but only to the

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money value of that grain and that too at the price level of 1802? When yesterday the Hon. the Premier was dealing with this question at length, I thought that he would convince me; but I should say with great respect to him that after bestowing very careful attention to his speech and his arguments, I was still unconvinced about the stand taken by the Committee on a point that was worrying me. We have to remember in this case that the waram rate continues up to now and he only takes that particular portion of it which was fixed at the time of the Permanent Settlement without any regard to the price levels. He has the benefit of rise in prices and suffers if there is to be a fall in prices; but all the same, he only takes that share of the produce that was fixed in perpetuity in 1802. If the price levels fall below those of the year 1802, he takes the risk and he does pay the peshkash according to the stipulation in cash. That is a concomitant and necessary evil or advantage of fixing the rate of rent in waram. When that is so, how in fairness and justice can we say—I am not now trying to show its legality or otherwise—that the waram rate fixed in that year should no longer be paid in kind but that it should be commuted compulsorily and that too at the price level of 1802? How can such a position be held to be fair and equitable, let alone the question of enforcing it?

“ I shall deal with further instances in the Report to show that they have been one-sided in very many respects. While on the one hand they have said that the rent was fixed in perpetuity, they have also made some provision for backing out of that position if it would help them. I would just read from the last paragraph of page 232 of Volume I

‘ On the view taken by us with regard to the fixity of the rate of land revenue at the time of the Permanent Settlement, we shall recommend to the Legislatures to proceed for the present on the basis of cash payment. If the rate of land revenue fixed permanently at the time of the Permanent Settlement is taken as the basis, that will give relief to the ryot to a very great extent. It may be that a time may come when the prices may fall below the pre-settlement level and the situation may have to be examined then afresh. But it is not likely to come up so soon.’

“ Though they have said that for the present rents were fixed in perpetuity and unalterably, they have also said that if the price levels fall below that of the year 1802, they would consider the question of giving some relief, of making some reservations and creating some loopholes so as to afford some provision to back out if the need arises. Further I will refer to the next page and they begin by stating that such a contingency is not likely to come up so soon.

‘ When the land revenue assessment is fixed moderately on the basis of the pre-settlement rates and further enhancements are prohibited and the ryots’ ownership to the soil is also re-affirmed, the prospects of the ryot and the country will certainly be very bright. Although

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money system had been adopted from the time of the Permanent Settlement in place of the sharing system, there are still some estates such as Ramnad and parts of some other estates in the Presidency where the sharing system of 1802 is still continuing.

‘ When the rate of land revenue payable upon the land to-day is declared to be the same as the rate that had prevailed in the year before the Permanent Settlement, the ryots who have continued under the sharing system until now, many suddenly change their minds and demand conversion of the waram rates into money rates. When such a demand is made, the question arises what prices should be adopted for commutation purposes, whether the current prevailing rates or whether the rates that prevailed in the year preceding the Permanent Settlement.

‘ We are of opinion that when the question of conversion of sharing system into money system arises, the prices that should be adopted for purpose of commutation are prices prevailing in the year preceding the Permanent Settlement, it is only on that basis that the sharing system should be changed into the money system. The rates so fixed must be declared to be permanent and unalterable rates.’

“ In this connexion, I also share the opinion expressed by my hon. Friend Mr. Rangaswami Ayyangar with regard to the increment in rent as a result of increase in prices. In section 30 of the Madras Estates Land Act of 1908, certain provisions have been laid down for the enhancement of rent. One of the conditions on which the rent could be increased is the increase in the price level and this is subject to the condition that it must not exceed annas two in the rupee. Though exception has been taken to it, I do believe and I do say that that is a very correct position, that it is a very correct provision and a very moderate provision too. Section 30 speaks of enhancement only when the rent has been fixed in money and it does not speak of increase in rent where payment of revenue or rent is paid in kind. Section 30 is quoted at page 105 of the Report and I invite the attention of hon. Members to it. There is no question of enhancement of rent at all in cases where the sharing system is in vogue. So what does it show? It shows that the rent was fixed with reference to the price level of the particular year and it had a bearing on the conditions existing at the time; and if the prices increase, naturally the zamindar is entitled to the increase. If such a provision were not there, he would have never agreed for the conversion of share into money rent. If he were told at the time that once he commuted it into money rate, he could never increase it in spite of the fact that price levels may go up, he would never have agreed for a commutation at all. He agreed on this basis only, that is, that if the price levels go up, he would have a proportionate increase in his rent. That is why that section definitely lays down that in a case where money rent is paid, increments in rent can be made under certain conditions, of which the rise in prices is one, because the money rates were fixed with reference to the particular price levels of the particular years when the commutation was agreed upon. Of course there must be the other corresponding provision for reduction also if the prices

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go down, and the ryot must under such conditions have the benefit of reduction also; that is provided for in the Estates Land Act. With reference to this section, the Hon. the Revenue Minister contended that there should not be any such provision and that it was wholly wrong. Even assuming that the rent was so fixed, the ryot can only say, 'I will give my quota, my share of the produce;' but he cannot say that he would only pay it in money and that too at an unalterable rate."

"THE HON. SRI T. PRAKASAM:—"I said, Sir, that the Estates Land Act made provision for two classes of ryots."

* S. K. AHMED MEERAN SAHIB BAHADUR:—"The Estates Land Act made provision for two classes of ryots; but I think if I remember right, he took advantage of the provisos to that section; I will presently read them:—

'Provided that if the rent be permanently payable at a fixed rate or rates, it shall not be liable to be enhanced under this clause on the ground of a rise in price;

'Provided also that no enhancement under this clause shall raise the rent by more than two annas in the rupee of the rent previously payable for the land.'

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"The Hon. the Revenue Minister wants to read into it the meaning that the proviso refers to the permanent fixing of the rent, that it does apply to the permanently settled estates and that therefore the interpretation put upon it by the courts was wrong. I think I am right in trying to put in my own words what the Hon. the Revenue Minister meant. Sir, I must say with great respect that there is no warrant for the interpretation that the rates were fixed in perpetuity. The whole question is whether the amount was fixed in perpetuity or not. But if you take it for granted in the beginning and then begin to argue, you are simply begging the question. What you should do is to prove that the amount has been fixed in perpetuity; and the Hon. the Revenue Minister has adduced nothing to show that the rent was fixed in perpetuity. Anyhow, Sir, I do not think that the contention of the Hon. Minister stands to reason. For when once a rate of rent, which is fixed in terms other than money, is to be commuted into money value, it must be commuted only at the price level existing to-day; also, it stands to reason that once there has been such commutation in money, it must also be liable to increase or decrease according to the price level, as otherwise it may be causing hardship to one party. It may be advantageous to the ryot and disadvantageous to the zamindar to-day or *vice versa* tomorrow. You cannot compel one party to agree to such commutation that can never be altered under any circumstances whatsoever, irrespective of the price level.

"There is another thing to show that the Committee has been rather one-sided in its recommendations. Take clause 16,

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sub-clauses (6) and (7) of the draft Bill, at page 288 of the Report, Part I. In one breath they say the rate is fixed unalterably, and in the next breath they want to regulate the payment of the rate. That is what they say:

'The ryots shall regularly pay in all seasons in the current coin of their respective Provinces, the amount of the permanent assessment fixed on their lands; the remission of land revenue which has been occasionally granted according to the custom of the country on account of drought, inundation or other calamity, etc.'

"Now, Mr. President, mark the words 'remission on account of drought, inundation or other calamity.' If you want to be logical, if you want to stick to one thing, you should stick to it once for all, irrespective of the fact whether it works for good or bad; you should not claim remission on account of drought or inundation or other calamity. I for one am against such a thing. There is a solemn pledge that the ryot will give only a particular sum, and that he will pay only that sum and nothing more. If that is so, why should he get also remission on account of drought or inundation? This shows that the Committee has taken an one-sided view of the question. So the best thing seems to be to take a fair account of all the things and fix the revenue as is done in ryotwari areas. That will be doing justice. At the same time ask the zamindars whether they are willing to pay more than 45 lakhs, and if they do not agree, tax them heavily or get the necessary permission and cancel the Permanent Settlement. That seems to me to be the only logical and fair way of dealing with the problem."

MR. PRESIDENT:—"May I know how much more time the hon. Member wishes to take?"

* S. K. AHMED MEERAN SAHIB BAHADUR:—"I have finished my speech."

* MRS. MONA HENSMAN:—"Sir, after the conclusive arguments and the logic of the weighty reports and references that have been made, I hesitate to rise to my feet. I am not going to make what in the opinion of this House has been counted a speech up to now. But I would like to crave your permission to offer a few general remarks about this Madras Estates Land Bill, as it seems to me, from the point of view of the general public. And in considering this Bill, we do feel that congratulations must be offered to those who sat on the Committee, to those who have been inspired by a real desire to help the ryot and to uplift those who up to now have not had their point of view heard. We have every sympathy with the principles of this Bill, and feel that this is a logical sequence of the Agricultural Debt Relief Bill; and we hope that many other Bills that will rectify wrongs done during the last century and before that will also follow in this House and in the other House. But as has been said this morning, and as has been

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said during the course of this week in this and in the other House, there have been many Bills and many Acts that have tried to be equally fair, or have tried to see both points of view. And although the date 1802 has become so familiar to us this week that we almost feel we were born at that time (laughter), we still have a suspicion about the permanent values of that date. A few years before that very date, we remember, a man called Edmund Burke was preaching the gospel of expediency, and he was also speaking to those who had the right to do what they maintained. But there was no point gained, national or otherwise in a policy that wished to take in all that was its right, wished to take up to the limit of its power, but would give nothing to the other side. I am not sure whether from the point of view of tradition in our country, tradition, even if it be only of 100 years standing, that has grown up on the point of possession of land in the zamindari area—in that one-third of this Province—whether considering that tradition, it would not be expedient to take into account the law of compensation at this time when certain arguments have been brought forward in this House in favour of this point of view. A compensation may not always be valued in terms of rupees, annas and pies. There are other forms of compensation, for instance, this question of endowing the zamindari ryot with the forests and the waste lands. Presumably when the Government come to consider its own points of reform, that is, its own forests and waste lands with a view to the ryotwari tenant, perhaps the ryotwari tenant will be allowed to follow suit, and perhaps these will become the undenied possession of the ryots who belong to the rest of the province—two-thirds of the whole province, that is not under zamindari control. Until that time, it may be expedient to have a certain amount of notice given, or perhaps a certain amount of leeway of time or financial control allowed until a form of compensation that has to be decided by the Committee who have to go into the matter very carefully is made public and passed into law. I have every confidence in them, and I believe, that this Committee when it is set up will look into the matter with far more skill than those of us who may perhaps venture to make suggestions from this side of the House. I do feel that when we think of compensation there is a good deal to be said on the zamindar side of the question, and even if it takes the form of delaying the action of the Act for another three to five years, it is only fair, so that various adjustments and re-adjustments may be made. Then again there are various ambiguities. We have seen that even courts of law have found the Permanent Settlement of 1802 ambiguous; and we will have to see in future that these ambiguities, with education and propaganda, do not lead the Government ryot to feel that he is behind hand in the privileges that are allowed to the zamindari ryot. We have to see also that the zamindari ryot does not ask why, if complete possession is to be given to him, he should have to pay rent for what is going to be

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his. For those of us who are living in areas where we have been paying ground-rent it may seem quite simple; but to the zamin ryot, who is to hold complete possession of the sub-soil and soil and the land round about this, it may seem strange that Government should demand rent from him. I feel that that is again an ambiguity. There are several other points also which should be settled. Finally I ask, if there is any money accruing to Government from any such measures as this, measures that certainly aim at helping the ryot and developing the agricultural prosperity of our country, that this money should not be left in the general budget; for as often happens in our private budget, when we set apart money for any purpose in a common purse, we find, when the real need comes, the whole money is gone. And it would be a great example for private and public administration, if money that may come to Government in this way should be earmarked, or put into a separate part of the budget for agricultural relief for such times as are now coming to us—perhaps when we do not have sufficient rainfall and there is famine in many districts. I feel if some of these suggestions were followed and if this Estates Land Bill is changed to suit this point of view, it would be doing bare justice to both sides; and it would really be a Bill which will work for the welfare of the people, because everything that helps the citizen and develops land will lead to national wealth."

MR. PRESIDENT:—"The Hon. the Revenue Minister will 1 p.m. now reply."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"When are we going to adjourn, Sir?"

MR. PRESIDENT:—"We will adjourn at half past one."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I thought you were going to allow some more speakers. I thought that the House will rise at 1 o'clock and I could take my opportunity after lunch."

MR. PRESIDENT:—"How long will the hon. Member take for his speech?"

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I will not take more than ten minutes."

MR. PRESIDENT:—"You may speak now."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I thank you, for allowing me to speak now, Sir."

"Mr. President, Sir, at the outset I wish to state that I am neither a zamindar, nor an inamdar, nor a ryot under a zamindar, nor opposed in the elections by a zamindar or by a zamindari ryot, and therefore I think I can take a detached view. I admire the laborious work turned out by the Committee, and particularly

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by its Chairman. The zamindari ryots could not have had a better champion than the Chairman of the Committee to champion their cause. I have no doubt that the Hon. the Revenue Minister will evince the same zeal and enthusiasm and try to ransack all the available old records in the Record Office in the cause of the ryots in ryotwari area if and when they take up that question. Sir, the Hon. the Prime Minister told us yesterday that they have started the reform with zamindari ryots, and the question relating to the other ryots will be taken up in due course, and that others need not tell him from where he should begin the reform. True, Sir, others cannot tell him from where he should begin, but may I, in all humility, request him to show his usual quickness in deciding matters, and acting up to that decision, in regard to the land revenue reform relating to the ryotwari ryots also, without taking any further time over it, in view of the fact that they have already taken nearly two years over that matter. Sir, my hon. friend, Sir Kurma, told us yesterday, that he was aware of the difficulties of the Government and that was why he did not vote for my resolution relating to the reduction of land revenue. If I remember aright, he absented himself at the time of voting. For whatever reason he absented himself at the time of the voting, Sir, I wish to state that we are not unaware of the position of the Government. But I would ask, Sir, who is responsible for this state of affairs. Surely we, members sitting on this side of the House, are not responsible for it. The other day, if I understood him correctly, the Hon. the Prime Minister stated that the correct procedure for framing a budget is to settle the expenditure item first and then to think of the receipts. Yesterday, Sir, he found fault with the zamindars for having adopted the same procedure and said that they should have budgeted their expenditure with reference to their income. Sir, various points of view have been put forward in regard to this report. I am neither a lawyer nor an economist, and therefore it will be presumptuous on my part to discuss the legal or constitutional point, but I would place only a layman's point of view. Sir, the hon. Member, Mr. Narayanaswami Nayudu, a member of the Joint Committee, says he is not able to understand definitely what the majority Committee's recommendations are. The hon. Member, Mr. T. C. Srinivasa Ayyangar also says he is not able to understand. Such being the case, how can we, laymen, understand? The straight question put by my hon. friend, Mr. Narayanaswami Nayudu, was not answered, but he asked us to agree to the principle. What is that principle? If the principle is to give relief to ryots with equity and justice to everybody concerned, I have no doubt that the House would unanimously agree to it, but if it is injustice to some, paying off old scores to some, and discriminatory treatment against some, I, for my part, will refuse to give my consent. I hope the Hon. the

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Revenue Minister in his reply will state what exactly the majority report is, and what is it that we should approve. I shall make myself clear.

"Let us take the case of an estate containing 600 acres, of which 300 acres were cultivated and paying grain rent and 300 acres were uncultivated in the year 1802. The total value of the produce is Rs. 600, of which the ryot's share is Rs. 300. The zamindar should collect his share of the produce and pay 200 out of it as peshkash to Government. This works out as an assessment of two rupees per acre per cultivated land if the Permanent Settlement fixed Rs. 300 as the assessment on the 300 acres. Is it the recommendation of the majority that it should be declared that the total assessment for the whole 600 acres had been fixed unalterably for ever, at the rate of Rs. 2 per acre, or whether Rs. 200 has been fixed as the permanent assessment and the zamindar left to collect a rent not exceeding the share of the produce which the ryot was paying in 1801? The second question asked by Mr. Narayanaswami Nayudu was whether, when the grain rents were commuted to money rents subsequent to the Permanent Settlement, what is the proposal of the majority Committee? Is it to go back to the share of the produce or the rate which will be arrived at by dividing the area of cultivation and the amount realized in 1801? These questions have not been answered so far, though put directly.

"Is it the view of the majority to leave the decision of the rates to the commission which may be appointed, so as to enable them to vary the rates in various estates according to the loyalty of the zamindars to the party in power, as it was stated to have been fixed in ancient times? If this is the principle in the report of the majority, which we are asked to endorse, I am sorry I cannot give my support to such a principle.

"Sir, Hon. the Prime Minister asked us not to impute motives. True. I don't for a moment attribute any motive to anybody in the Committee. I wish to read a few passages from the report and from the minutes of the Committee and leave it to the House to judge whether there is justification or not, to form an impression that the majority of the Committee had already settled views in many matters which were therefore hustled or rushed through the Committee, and some members have ultimately changed their views in regard to the question of compensation or purchasing the rights of the zamindars.

"In page 1 of the minutes of the Madras Estates Land Act Committee, this is said:

"The Committee resolved to appoint Mr. T. Viswanatham, Parliamentary Secretary to the Hon. the Revenue Minister, as the Secretary to the Committee.

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'A draft communiqué and questionnaire intended to be issued to the public and prepared by the Secretary of the Committee, was then taken up for consideration. The Zamindar of Mirzapuram, suggested that the members may be given a couple of days time to go through the questionnaire. In deference to his wishes the meeting was adjourned to the next day at 2 p.m.'

"Then in page 5 we see that the various dates have been fixed for the Committee to sit in various places.

"In page 7 of the minute, it is said:

'The Zamindar of Mirzapuram and Mr. Narayanaswami Nayudu enquired whether the reports from the Collectors were received.

'Mr. B. G. Holdsworth, Revenue Secretary to the Madras Government, who was present at the request of the Committee, informed them that he had addressed the Collectors for information regarding the zamindaris with a rent-roll of over Rs. 10,000 and inams with a rent-roll of over Rs. 5,000 on 11th December 1937 and that he expects the information to be furnished after two months.

'Mr. Narayanaswami Nayudu and the Zamindar of Mirzapuram favoured waiting and postponement of the tour till the information from the Collectors was received. Mr. Rangaswami Ayyangar preferred to have the tour in the summer vacation, although he would come earlier, if so desired.

'The Committee resolved to abide by the programme already fixed.'

"In page 8, about the question on the 'proprietorship of the soil'—

'THE CHAIRMAN:—Who is the proprietor of the soil to-day, it may be of no consequence.

'THE SECRETARY:—Some suits regarding the ownership of the soil are pending still in respect of communal lands in the courts. There the zamindar contends that he, being the owner of the soil, is entitled to the subsoil while the Government is only entitled to manage them.'

"Then I see in page 10:

'SRI V. V. JOGAYYA PANTULU:—Prior to this Act, the British Government had a false notion that it was the owner of the soil. The Provincial Government can say that it is the owner of the soil because it is the people that are governing themselves.'

"In page 11:

'THE SECRETARY:—So far as security is concerned they are in the same position as ryotwari tenants. Government expenditure in respect of revenue courts will be reduced because there will be no more litigation. Zamindars can be compensated by issuing bonds. A popular legislature is the security for the zamindar. The Government will give the security.'

"Then in page 61:

'The Zamindar of Mirzapuram pointed out, that, if those rates were fixed, 99 per cent of the zamindaris would be wiped out. The tenants in zamindari villages were much happier than those in Government villages; the latter have to pay bribes to several persons; he wanted the Committee to do justice to both parties; he did not like either the zamindars or the tenants to be involved in litigation. If an agreed legislation was put forward, it would be in the interests of the zamindar and the tenant. This Committee should not go into the legal aspect of the question.

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'The Chairman replied that this Committee was not going to decide either law or fact; it would formulate the law.

'The Zamindar of Mirzapuram suggested that the question might be referred to the High Court and its opinion taken.

'The Chairman stated that the legislators were going to consider whether the High Court decisions or the Privy Council decisions were right or wrong; they were going to lay down the law; if the decisions of the courts were wrong, they were going to lay down the law which the courts should follow.

"In page 62—I am reading this only to show that the members of the Committee thought at one time that it is just to purchase the rights of the zamindars—it is found:

'THE CHAIRMAN:— . . . If they are not able to agree, each one of us is at liberty to write his minute of dissent. Sri B. Narayanaswami, I do not think we are justified in putting the questions in the form of a resolution. In fact you were the most prominent among the members of the Committee, very able, very intelligent to raise point after point; and all of them were discussed once, twice, thrice, and even more than that; and after that, about the conclusions you have your difficulty; he has got his difficulty; and the other gentleman has got his difficulty even now. There is no prospect of coming to any conclusions from the trend of discussions. For each suggestion somebody must sit down and work out the implications.

'SRI B. NARAYANASWAMI NAYUDU:—We shall discuss some other point to-day and shall take up this matter to-morrow.

'THE CHAIRMAN:—I shall ask the proposal of each member even now and let us discuss each one of the proposals after lunch.'

MR. PRESIDENT:—"What is the idea of the hon. Member in reading all this?"

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
"Some members of the Committee originally thought it better to purchase the rights of the zamindars and then afterwards they have changed their minds and then wrote that the zamindars have no right even for that. That is why I am reading this:

'SRI B. VENKATACHALAM PILLAI:—Let us take the 1802 rate.

'SRI V. V. JOGAYYA PANTULU:—I would adopt the 1802 rate.

'SRI M. PALLAM RAJU:—Let us adopt 1802 rate or purchase the estate if possible.

'SRI B. NARAYANASWAMI NAYUDU:—Yes, I too will have 1802 rates or purchase the estate on the basis of present rentals.'

"Then only one point with regard to the minutes of the proceedings; in page 64:

'The Chairman said that they could not do as Mr. Biswanath Das of Orissa had done; there they had no enquiry and had come to some decision; here they had gone into the matter for over a whole year and they had to decide the case upon its merits. The Committee was anxious to consider any proposal put forward by the members.'

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"Sir, further, whenever it is convenient, the Committee quotes with approval the views and decisions of European Judges; and whenever it is inconvenient; it says that such views and decisions are not worth consideration, because the Committee says European Judges are not fully conversant with our land systems. It is also strange, as my hon. Friends, Sir K. V. Reddi and the Zamindar of Mirzapuram, put it, that the Committee should consider that the ryots do not know their own needs or rights, and that the proposals made by them in the course of their evidence should not be taken as a considered or correct one. But the Premier seems to go further, and in his attempt to define the respective rights of landholders and tenants, wants to appropriate for the Government the forests, hills, etc., in zamindari areas. I am not able to understand how the Government can come in now to claim the forests, hills, etc. Further I am sure that if the ryots are asked to choose between the Government and the zamindar, they would certainly choose the zamindar in preference to the Government, in regard to control over forests, hills, etc.

"I am not in favour of the appointment of any other Committee as desired by my hon. Friend, Dr. Thomas, or the hon. Mr. Saldanha, but I would suggest that the proper method of arriving at a just solution of this complicated question is to appoint a European officer with definite instructions to gather complete materials relating to this problem within a specified time, say, three months. He should be asked to place all such materials before a tribunal which may be constituted by the Secretary of State, consisting of the Chief Judge of the Federal Court and the Chief Justices of the Madras and Calcutta High Courts. This tribunal should be requested to give its findings upon the materials furnished to it by the special officer, say, within another three months, which findings must be binding upon all parties. Then the Government may formulate definite legislation on the basis of the findings of the tribunal. It should not be difficult for the Government to place on the statute-book this land reform law within as short a time as possible. Sir, if this proposal of mine is accepted, it will save the Government enormous delay and litigation in case the validity of the legislation is challenged, as I am sure it will be challenged, if the legislation is to be passed in the present form.

"I quite agree with the view of my hon. friend, Mr. Narayanaswami Nayudu, with regard to agra-harams, but the Hon. the Prime Minister has not thought fit to reply to it. I hope the Government position will be clearly stated at least now."

SRI B. NARAYANASWAMI NAYUDU:—"When are we rising for lunch Sir?"

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MR. PRESIDENT:—"We will rise for lunch at half past one."

SRI RAO BALADUR N. R. SAMIAPPA MUDALIYAR:—"We are making laws and regulations for every day."

MR. PRESIDENT:—"What? If the House wants to adjourn even now, I have no objection. But, the House wants to adjourn only at half past one."

* THE HON. SRI T. PRAKASAM:—"Sir, I must thank all the hon. Members of this House for the way in which they have approached the subject which has been before them for more than two days now. They have been so good that they did not mind the time taken over this having regard to the importance of the subject. Much heat has not been put into this discussion although some strong expressions were used by some hon. Friends. We, on this side, do not mind the strong language so long as there was no malice or bitterness behind, as had been stated by the hon. Sir K. V. Reddi in reply to the Prime Minister. Lawyers, experienced lawyers, have approached the matter from the legal point of view and also from the view point of fact to the best of the information which can be laid within the short time at their disposal. I am anxious, Sir, that, even at this stage, the hon. Members who had read into this report and the recommendations of the majority political bias and the communism of Moscow should dismiss from their minds the prejudice or the bias which they may have in their minds, at least at the last stage, when I shall be taking them through certain facts which shall dispel all the wrong ideas which gathered in their minds on account of the imperfect understanding of the facts primarily and the law next. If facts are ignored by the best of the judicial tribunals, no correct law can be laid down by them in any court from the lowest to the topmost, either in this country or in any other country in the world. If those who are charged with the duty of acting as tribunals or as arbitrators or as legislators should allow their judgments to be warped by prejudices, communal feelings, provincial feelings or racial feelings, they do not deserve to be tribunals or legislators or arbitrators. It is a sacred duty with which they are charged, and they will be failing in the discharge of their duties if they do not do justice without having any prejudice in their minds about any matter. Lawyers particularly, whether they argue in a court of law or the legislature, are expected to be posted with facts and then apply law to the facts that are found to be correct and they will be failing in their duty if they ignore facts and attempt to quote law. They will be failing in their duty if they ignore facts and present aspects which are not supported by facts. They will be failing in their duty if the law is in one direction and if they do not refer to law, but say all decisions have been in one direction and there has been a misdirection made in this report on that ground. That is why

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I am anxious that all hon. Members should go with me through these pages. I shall be brief, Sir, as far as possible, and examine whether the opinions delivered by them here are based on facts, whether the opinions delivered by them are supported by law. They are the best judges to know law; they are the best men to understand facts also. Others who are not well-versed in law, who are not trained in the matter of trials of cases, hearing evidence and giving judgments upon them, they are not expected to go into all these matters so well as these hon. legal members are expected to do. I am therefore anxious, and still I have got great hope, that in this last effort that I am making I will convince them, and I will be able to convince, provided they do not keep anything of a political bias or any other bias in their minds.

"I will be the first man, Sir, that if there should be anything newly introduced by this Committee in a vital matter like this and if it is pointed out that there is a wrong conclusion arrived at, to withdraw and correct the mistake at any stage. That is why I am pleading with confidence that the hon. Members who have addressed this House on this subject on vital matters have not yet known the facts. The facts found in this report and the law as has been interpreted in this report were placed in their hands not to-day at the last moment but more than two months back. Time had been given to all hon. Members to examine these chapters, to study the facts, to go through the decisions quoted by the landholders and come to some conclusion. I have no quarrel with the hon. Members of this House for their not having been able to go through all the details of this report even within the two months' time allowed for this discussion. I do not expect them, Sir, to go into all these details to the same extent to which we the members of the committee had been directed by this legislature to go into. But at the same time for trained minds it is not difficult to take even one volume, this Part I, which gives the report proper, to look into the summary given in the last chapter, and from that go back to the previous chapters and lay their finger on the facts disclosed there, on the legal decisions relied upon by the landholders, on the facts given with regard to the decisions and the interpretations given to those decisions. I expect the hon. Members of this House to do all that. I do not wish to make any observation which may be misunderstood. The question of honesty was raised by one hon. Member of this House."

At this stage the House rose for lunch to meet again at 2-30 p.m.

After lunch.—2-30 p.m.

* THE HON. SRI T. PRAKASAM:—"I was just referring, before you adjourned for lunch, Sir, to the question of honesty referred to by one of the hon. Members of this House. The honesty

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of some of the greatest of men had been at stake during the last 150 years in respect of this subject of landholders and the ryots. I shall come to that at a later stage after endeavouring to place certain facts and figures before the hon. Members who have spoken on this matter contesting in all seriousness the correctness of the vital position. Fixity of tenure and fixity of rent were the two vital matters that had been declared and confirmed under the Regulations, Permanent Settlement Regulations of 1802. In spite of all that has been said in both the Houses, at the last moment even these two positions have been denied, not only by the landholders or by their avowed representatives, but also by some of those who said that they had nothing to do with the landholders, that they were not landholders, that they had no interest in the landholders and what they were saying was only in a dispassionate and detached manner, and that they came to the conclusion that neither the fixity of tenure nor fixity of rent were contemplated at the time of the Permanent Settlement. These were the statements made by some hon. Members of the House. I have already dealt with this subject when I opened the debate and I do not wish to take hon. Members again to the same portions. It was the duty of hon. Members to have taken this reference and explain that it was not correct. An attempt was made by some to refer to some of those provisions to explain their attitude. And it was argued that what was said by the Hon. Mr. Forbes at the time of the Estates Land Bill and what was said at the time of the discussion of the Madras Tenancy Bill of 1898 by Mr. Crole have become Vedas and those people have become Kalluka-Bhattas and Bhashyakaras. Strange way of looking at things! I started—instead of going to the very rock-bottom of the question, and instead of going to the ancient history or what was prevailing 130 years ago—from the top. The Hon. the Premier has got his own inimitable way of explaining either fact or law. He started, after hearing so much on the other side, from the very bottom of it. He started with the correspondence between Sir John Shore and Lord Cornwallis and explained the whole thing. Even after hearing and even after knowing all that has been going on in connexion with this subject, those were the expressions used by the hon. Member who has filled high offices, who knows law and who has got much experience and much record to fall back upon. This is the way in which hon. Members have approached the subject. Not only one or two hon. Members have expressed themselves in this manner, but there are others who have followed them and these people are eminent lawyers arguing to-day cases in law courts. Even such people have followed that hon. Member who began in this strain. They followed him up although they did not use the same expression used by that august personage.

"Sir, besides the speeches of Mr. Crole and Mr. Forbes, I would like to place before hon. Members of this House evidence

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to show that it is not the wild imagination of the Hon. Mr. Crole or the Hon. Mr. Forbes who were no doubt mere birds of passage that came here to earn money—which fact has been discovered by the hon. Member who spoke yesterday—that supports the Government's position, but that very fountain-head of Government, the Court of Directors themselves support our position. Sir, the whole history relating to this subject has been placed before you; not wild inferences but facts have been placed before you, and yet this is the way in which generalizations have been made. I would request hon. Members to note what the Court of Directors wrote some 54 years after the Permanent Settlement was established in this country to the Government of Madras. Referring to the Permanent Settlement Regulation and referring to fixity of tenure and fixity of rent for ever, this is what they wrote. I am now referring to page 240 of Part I of the Report. This is what they say in the last few lines of paragraph 2 on that page:

'Apart from this, in a famous despatch sent by the Court of Directors, London, to the Government of Madras, dated 17th December 1856, it was stated as follows:—

'(1) The condition of the ryots changed for the worse rather than improved for some years after the Permanent Settlement for though the State had fixed for ever its own demand on the zamindars the latter could take as much as they liked from their tenants. A whole series of laws known as "Tenancy Acts" had to be passed before all the advantages of the settlement reached the ryots.'

That is the first paragraph, and the second paragraph reads:

'(2) The right of the Government is not a rent which consists of all the surplus profits after paying the cost of cultivation and the profits of agricultural stock, but a land revenue only, which ought, if possible, be so little assessed as to leave a surplus to the occupier whether he in fact let the lands to others or retained it in his own hands.'

In two short passages which the Court of Directors wrote from London they compressed the whole idea which they had in their minds. They pointed out what the relationship between a landlord and a tenant is and what the nature of rent that is being collected by a landlord from a tenant is. Then they explained also the relationship between a landholder and a ryot and the nature of land revenue. Land revenue is not rent. Rent is that which the landlord could collect from his tenant, and he could increase it as he liked. But the rule with reference to land revenue, in this particular case, whether it was permanently settled or not, as understood by the Court of Directors, was laid down by them and they say that land revenue should not be exorbitant, should not be oppressive and should not be beyond the power of the ryots to pay. It must be so little assessed that he should be able to pay it without any trouble and without any burden. That is land revenue; whereas rent is quite a different matter with regard to which the landlord can make as much profit

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as he likes. In the first paragraph which I have just now read they have made the position clear, that even though the Permanent Settlement had been made so long ago, what was intended by the authors of the Permanent Settlement Regulation by way of protection to the ryots had not been given to him without trouble. A series of land tenancy Acts had to be passed in order to protect the rights of the ryots. Therefore you find words to the effect: 'Our demand has been fixed for ever unalterably and permanently. In spite of our doing it, this wretchedness is going on in this country and to give protection as intended by us we had had to pass so many laws. How do you explain the position?' That was the question put by the Court of Directors, not by Mr. Crole and the 'Bashyakaras,' not by Mr. Stokes who has become a passing bird with the hon. Member. Without explaining this position, it was left to an hon. Member here to indulge in the language in which he indulged. What is the answer to this? I do not wish to take hon. Members again to the bottom of the whole thing, to the Collectors' instructions and to the correspondence between Sir John Shore and Lord Cornwallis. The Hon. the Prime Minister has dealt with those matters. The Collectors' instructions I have also dealt with in the beginning. They said to themselves: 'The mischief was done at the top, that is to say with the Government and its land revenue, because we were not able to fix it permanently without giving room for variations and fluctuations. The mischief started there. So let us take it at the top between the Government and the landholder. Let us first fix our demand on land revenue. This is the first step. Let us take it. After taking that step; let us fix the relation between the landholder and the ryot whom we are handing over to the hands of the collection agents of ours.' That was how it was done. What has been stated in the Collectors' instructions and the State documents, not one of these things has been taken on hand by hon. Members who have made general speeches at the last moment. They were expected to examine those things, not merely the statements made orally here or in the other House. Every document for and against a particular view-point has been put into their hands in the form of appendices. In the report itself passages have been quoted *en bloc*. Are the landholders assignees of land revenue or not? Are they or are they not collectors of land revenue? Is it or is it not true that the land revenue due to the Government before the Permanent Settlement was fixed in perpetuity unalterably? Is it or is it not true that after fixing it permanently and unalterably, it was divided into three parts, two parts to be paid to the Government by the landholders as peshkash and the third part to be taken by the landholder himself as remuneration for the services that he agreed to render? These are the questions. When that is so, to get up and argue without reference to facts and figures, simply to cut

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off an argument and defend in a general way—is it right, is it the way in which the duty should be discharged on the floor of this House in a matter of this magnitude and importance?

“Now I shall take hon. Members to another authority not so old as 1856. 1856 is too far removed from us to-day. The hon. Member said that a long series of decisions had been given in favour of the landholders and that a long course of legislation had recognized the vested interests of the landholders. Then, is it not the duty of hon. Members to take those enactments and decisions, and point out at least one enactment or one decision in which the landholder's interest has been recognized, asserted and affirmed, in which it has been decided that the landholder was not a rent collector but the owner of the soil, that he was a man of high dignity and position and that nobody should cast a slur on him by calling him a collector of revenue? Defenders ought to fall back on authorities to say that. I shall give a reference which I did not give at first when I quoted the despatch from the Court of Directors in 1856. I shall take hon. Members nearer to our period, very much nearer to to-day. I will ask hon. Members to look into that passage and then revise their opinion, and at least in their own minds withdraw the words which they have used. It would not hurt us; those words did not hurt us. For when expressions like that are used, it makes us re-examine the position. It is our duty to go into the bottom of those things and see whether we have done anything wrong and whether we have deserved those remarks. If we deserve those remarks we must withdraw from that position. On the other hand, if we are right in our view we must place that before hon. Members again to enable them to withdraw what they have said. Sir, privileges are given in this House to be used under your control and within certain limits. But when privileges are abused without any regard to facts, and strong and unparliamentary expressions are used, of course it would be the duty of persons affected by them to ask for their withdrawal. But I deliberately did not wish to do it. I wanted that to be put on record. I wanted that to be tested. If we have done anything wrong, if there is anything to show that what we have done amounts to dishonesty, that must be established on the floor of the House and not only on the floor of the House, but also before the bar of the public who are represented by the Members of this House.”

DR. SIR K. V. REDDI NAYUDU:—“I never used the word ‘dishonesty’.”

* THE HON. SRI T. PRAKASAM:—“‘Are you honest’—this was the expression used.”

DR. SIR K. V. REDDI NAYUDU:—“It does not necessarily mean ‘dishonesty’.”

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* THE HON. SRI T. PRAKASAM:—“I take it from the hon. Member. It would not affect me; it did not affect me in fact and that was why I did not ask the hon. Member to withdraw.”

DR. SIR K. V. REDDI NAYUDU:—“I used it in one sense and the Hon. Minister is importing a different meaning into it. What can I do, Sir?”

* THE HON. SRI T. PRAKASAM:—“Sir, may I request the hon. Member to verify another fact? Probably he was a Minister of the Government or an Executive Councillor or a witness before the Joint Parliamentary Committee. This has been referred to already by other hon. Members of this House. This is the latest utterance not by Mr. Crole or Mr. Forbes but by the authors of the Report of the Joint Parliamentary Committee. I will present that statement to those hon. Members who have been saying that the landholder is not a collector of revenue but the owner of the soil. I would like to draw the attention of hon. Members to that passage—paragraph 372 at page 218 of the report:

‘We have considered whether similar provision should be made to protect the rights of zamindars and others who are the successors in interest of those in whose favour the Permanent Settlement of Bengal, Bihar and Orissa and parts of the United Provinces and Madras was made at the end of the 18th century. Briefly the effect of this Settlement was to give a proprietary right in land to the class described as zamindars, on the understanding that they collected and paid to Government the revenue assessed on that land, which was fixed at rates declared at the time to be intended to stand unaltered in perpetuity.’

There is one sentence in which the unalterable character of the rates of rent have been mentioned and the status of the landholder has been defined as a gentleman appointed to collect the land revenue. In what year was this? 1935.

“I have submitted already that there was no right vested in the landholders under the Rent Recovery Act of 1865 making him anything more than what he had been made under the Permanent Settlement Regulations XXV and XXX of 1802. And that position was confirmed by Mr. Forbes, understanding of it. Then I submitted, Sir, that under the Estates Land Act no new right was created in favour of the landholder and no right was taken away from the ryot. Before examining some of the provisions from a different standpoint, I would like to place before hon. Members of this House the state of law from the beginning until now as tested by courts of law, how they interpreted it, how they understood it and how they declared the rights of the landholders and ryots, in the hope that hon. Members who have been declaring that the landholders were carrying with them their ancient rights, status and position and that they were not mere rent collectors but that they were owners of the soil, may re-examine the position. I submitted already that there was a judge by name

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Collett before 1863 and that that judge for the first time interpreted Regulations XXV and XXX of 1802 in the way in which the hon. Member, Sir K. V. Reddi and other hon. Members who followed him have attempted to interpret to-day in 1939.

3 p.m. "Judge Collett said that the language of those sections applied only to that particular year and that it would not apply to what happened after that particular year. There was no proprietary right in favour of the ryots. That is how that judge interpreted it. At that time, Patta Regulation was still in force. It was not repealed; it was repealed only by the Act of 1865. The Government of Madras got upset with this extraordinary decision given by that judge, Collett. At once they called upon the Revenue Board to look into the matter, to investigate it and to place materials before them to enable them to introduce a Bill for protecting the rights of the ryots. It was then that the Board investigated into the whole matter; they started from the date of Manu who had been buried long ago and who was dug up by us, as stated by Mr. Srinivasa Ayyangar. It is not we, the members of the Committee, who have dug out Manu, rightly or wrongly, for good or bad. Manu was dug out by those Englishmen who were in charge of the administration of this country, either as Members of the Revenue Board or as Members of Government. They started from Manu; they examined all the authorities, and held that the ownership of the soil was in the ryot and not in the landholder; that finding was accepted by the Select Committee which I referred to already. It was on that basis that the Rent Recovery Act was passed. The Rent Recovery Act was interpreted by the Hon. Mr. Forbes as not having taken away any right vested in the ryot and as not vesting any new right in the landholder. Collett's decision was given before the Rent Recovery Act was passed.

"After the Rent Recovery Act was passed, there was the Chockalingam Pillai's case reported in 6, Madras High Court Reports. In that Chockalingam Pillai's case, the same arguments were followed by the learned Judges. Chockalingam Pillai's case was not a case between a zamindar and a ryot, but it was a case of inamdar and tenant. That was wrong decision given for the first time after the High Court was established. That decision disturbed the state of affairs for some time. Then came the Fakir Muhammadan's case; it was decided by the High Court newly established in the place of the Sadar Adawlat Court. There was a mistake made in that case. The rights of the ryots had been doubted but that case was quoted as a decision of the Law Courts. I am requesting the attention of hon. Members of this House to the series of cases which ultimately went up to the Privy Council, in order to show that the right as declared by that buried man, Manu, was re-affirmed and recognized subsequently by others. I shall refer to those points briefly.

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"The first case in which the matter was dealt with after Chockalingam Pillai's case, is the Fakir Muhammad's case—1 Madras, page 205. After those two cases, the matter came up before the High Court with Judge Muthuswami Ayyar; he was a man of the world; there were no Barristers in those days; there were no B.A., B.Ls., Advocates and Lawyers in those days. Sir Muthuswami Ayyar was an ordinary clerk as the Hon. Premier told us. That man became a Judge and he became a protector of the rights of the ryots. He was presiding after the misdirection given in this matter in those two cases, 6 Madras High Court Reports and 1 Madras I.L.R., 205; 5 Madras, 163, is the case in which Justice Muthuswami Ayyar and Justice Turner delivered judgment. They examined these decisions; they questioned the correctness of these decisions. The next case was 9 Madras, page 175; there is another case at page 285; there they laid down the rule in favour of the ryot; I shall refer to these cases which are all extracted in one page. They laid down the rule for the first time. Then in I.L.R., 16 Madras, page 227, Justice Muthuswami Ayyar and an English Judge laid down the rule that the landholder was an assignee of revenue. Where is 16 Madras and where are we? These gentlemen were free to say that, by a long course of decisions, the rights of the landholders have been declared and affirmed. I ask hon. Members to look into the matter and to examine the position; the rule has been laid down there for the information of hon. Members of this House and for the public outside. After 16 Madras, there came the leading case 20 Madras, 299, in which Justice Sir Subrahmanya Ayyar and an English Judge delivered judgment. They examined the whole position; they reviewed all the previous decisions and referred to all the authorities. They considered the question from the administrative point of view, from the point of view of the Government. Then they laid down the rule. Mr. T. C. Srinivasa Ayyangar casually stated that Sir Subrahmanya Ayyar held that the zamindar was melvaramdar only and that kudivaramdar was the ryot. Melvaramdar is the person who is entitled to collect revenue and take it. Kudivaramdar is the person who is entitled to stand on the soil, work on the soil and produce the crop not only for his own benefit but also for the benefit of the rest of the world who would be arguing cases here and outside also. After 20 Madras, 299, case, I draw the attention of hon. Members of the House to the case in 23 Madras, 318. This is the case of Chikati Zamindar *versus* Ranasooru Dhora and others. This case is in favour of the ryots. Then we come to the Privy Council case reported in I.L.R., 45 Madras, page 586.

"There is a chapter in the report in which all these decisions are reviewed. All these troubles were anticipated, having regard to the fact that troubles were created at every turn during the last 138 years. These are cases not quoted by Members of the

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Committee for the first time; these were cases quoted by the landholders in their long memorandum prepared very carefully. It is from these cases, the comment was made and the facts given in the chapter. Hon. Members who have seen a large number of decisions, have stated that the rights are vested in the landholder. It is not this communistic Committee that has raised all these points. Those who made such statements should, in fairness, examine these questions and they must now state whether, what is stated by the Committee in the report, is drawn from their imagination or supported by authorities quoted by themselves. I do not blame the landholders; they, poor men, depend upon lawyers; they ask for advice; they ask for interpretation of decisions. They were told that these authorities would help them; that is why they have referred to these decisions in their written memorandum. It was the duty of this Committee which was appointed by the Legislature, to examine these decisions, to place the truth before the Legislature to enable hon. Members to know the truth in the matter.

"There is one other case which I wish to refer to; it is I.L.R., 13 Madras, 60, at page 178 of the report, Part I. There also they held that the presumption was in favour of the ryot. At page 179 of the report, there is Chockalingam Pillai's case; in the former case.

'After discussing the decisions of Calcutta and also of the Privy Council, Justice Muthuswami Ayyar on a review of all the previous cases, held that there was no presumption that every zamindari ryot was a tenant of the field and it would be monstrous to hold that every tenant in a zamindari to be a tenant-at-will, and further held that the zamindar was not entitled to evict a ryot until he proves that the right of the tenant was not one of permanent occupancy.'

3-15 Justice Wilkinson agreed with this view. That case went on the p.m. basis of presumption, and that presumption was declared in favour of the ryot.

"The next case I referred to was 16, Madras. In the last paragraph at the bottom of the same page, we find—this was the case relating to the estate of Kassimkota:

'Mr. Justice Muthuswami Ayyar and Mr. Justice Wilkinson held in this case there was proof that the duration of the holding was at least 120 years and that in such cases it was not unreasonable to hold that the onus of showing that the tenancy commenced under the plaintiff or his ancestors rested on the zamindar and that until he showed it, the zamindar may fairly be presumed to have been the assignee of the Government revenue and the tenant made liable to pay a fair rent and entitled to continue in that possession as long as he regularly paid it (the rent). As regards the yearly muchilika the learned judges held that there was nothing in it inconsistent with the ryot's contentions and that it should not be inferred from the exchange of pattas and muchilikas under Act VII of 1865 that such terms would entitle any court to draw any inference that the holding of the tenant was a tenancy from year to year.'

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"The next case, 20, Madras, which I referred to, had a very exhaustive judgment, and the Committee have taken only the important portions. What has been stated by the Committee in this report has been characterized as revolutionary and expropriatory; it was stated that the ownership of the soil is in the landholder himself and that the tenant is a man who must go away the moment notice was given to him. Let hon. Members look into this case and see for themselves whether what the Committee has stated in the report is revolutionary and expropriatory or not. Mr. Justice Subrahmanya Ayyar and Mr. Justice Benson laid down the rules as follows (page 180):

'A ryot cultivating a land in a permanently settled estate is *prima facie* not a mere tenant from year to year but a owner of the kudivaram right in the land he cultivates.'

'They explained how wrong analogies had been drawn on the basis of section 106 of the Transfer of Property Act which embodies the English rule . . .'

Then in the middle of that page, I refer to some of the authorities quoted by the learned Judges of the High Court. In the last big paragraph, you will find:

'In the course of the discussion the learned Judges held that the English rule could not be applied to India because there was absolutely no ground for holding that "the rights of the ryots in zamindaris invariably or even generally had their origin in express or implied grants made by the zamindar".'

And the learned Judges of the High Court quoted the Board of Revenue as an authority, Sir:

'In the language of the Board of Revenue which long after the Permanent Settlement Regulations were passed, investigated and reported upon the nature of the rights of ryots in the various parts of the Presidency, whether rendered in service, in money or in kind and whether paid to Rajas, jagirdars, zamindars, poligars, muttadars, shrotriyadars, inamdars, or to Government officers, such as, tahsildars, amildars, amins or tanadars, the payments which have always been made, are universally deemed the dues of Government. (See the Proceedings of the Board of Revenue, dated 5th January 1818, quoted in the note at page 223 of Diwan Bahadur Srinivasaraghava Ayyangar's Forty Years Progress in the Madras Presidency. See also paragraphs 75 to 78 of the exhaustive observations of the Board as to the relative rights of zamindars and ryots in the Board's Proceedings of the 2nd December 1864 appended to the second report of the Select Committee on the Rent Recovery Bill, 1864, V. Madras Revenue Register at page 153.'

Sir, these are not the words of the Committee, of the majority members, whose opinions have come in for so much comment. The Committee has simply quoted the words of the learned Judges reported in Law Reports, 20, Madras. And those learned Judges did not draw from their imagination; they were not Bolsheviks or Communists, they were examining the common law of this land and were trying to do justice between man and man at that time.

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To-day, ignoring all these things, without looking into them and without studying them, to get up all of a sudden and say it is revolutionary, that there is a communistic smell in it, there is Moscow smelling in it, that there is danger coming from the north-east corner, and clouds are gathering—is that the way in which a subject of this nature should be approached by hon. Members of this House?

‘See also paragraphs 75 to 78 of the exhaustive observations of the Board as to the relative rights of zamindars and ryots in the Board’s Proceedings of the 2nd December 1864, appended to the Second Report of the Select Committee on the Rent Recovery Bill, 1864, V, Madras Revenue Register, at page 153. Therefore, to treat such a payment by cultivators to zamindars as “rent” in the strict sense of the term and to imply therefrom the relation of landlord and tenant so as to let in the presumption of law that a tenancy in general is one from year to year, would be to introduce a mischievous fiction destructive of the rights of great numbers of the cultivating classes in this province who have held possession of their lands for generations and generations.’

This is the language of the High Court. They quote also other authorities:

‘In support of the view that there is no substantial analogy between an English tenant and an Indian ryot, it is enough to cite the high authority of Sir Thomas Munro. Writing in 1824, he observes: “the ryot is certainly not like the landlord of England, but neither is he like the English tenant” (Arbuthnot’s “Selections from the Minutes of Sir T. Munro,” Volume I, page 234). And why is this so? It is for the simple reason that the rights of ryots came into existence mostly, not under any letting by the Government of the day or its assignees, the zamindars, etc., but independently of them.’

The right to the soil is defined there. Those who grew eloquent over the question and those who were talking that there were no decisions in support of this point, let them look into these now and they will find the answer themselves. Then they continue:

‘According to the best native authorities, such rights were generally acquired by cultivators entering upon land, improving it, and making it productive. As observed by Turner, C. J. and Muthuswami Ayyar, Judge, in *Sivasubrahmanya versus The Secretary of State for India*, I.L.R., 9 Madras, 285. Manu and other . . .’

They quoted 9 Madras case, which I referred to already. In what terms have they referred to it? Hon. Members may mark it:

‘In *Sivasubrahmanya Ayyar versus the Secretary of State for India*, I.L.R., 9 Madras, 285. Manu and other Hindu writers have rested, “private property on occupation as owner.” And in *Secretary of State versus Vira Ravan*, I.L.R., 9 Madras, 175, the same learned Judges pointed out “according to what may be termed the Hindu common law, a right to the possession of land is acquired by the first person who makes a beneficial use of the soil.” Hence the well-known division in these parts of the great interests in land under two main heads of the melvaram interest and the kudivaram interest. Hence also the view that the holder of the kudivaram right, far from being a tenant of the holder of the melvaram right, is a co-owner with him. Sir T. Munro puts this very clearly. He says: “A ryot divides with Government all the rights of the land. What-ever is not reserved by Government belongs to him. He is not a tenant at will, or for a term of years. He is not removable, because another offers more.”’

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That is with reference to the question of enhancement of rent—

‘(Arbuthnot’s “Selections from the Minutes of Sir Munro,” Volume I, page 234. See also *ibid*, page 253.) No doubt, the view of the majority of the Judges (Morgan, Chief Judge, and Holloway, Judge, Innes, Judge, dissenting) in *Fakir Muhammad versus Tirumalachariar*, I.L.R., 1 Madras, 205, was different. But in *Secretary of State for India versus Nunja*, I.L.R., 5 Madras, 163, Turner, Chief Justice, and Muthuswami Ayyar, Judge, stated that they saw strong reason to doubt whether the view of the majority in that case was right.’

Again, in the same page, third paragraph, we find—

‘They further held, “there can be no hesitation in replying to this question that in essence there is no difference between a ryot holding lands in a zamindari village and one holding lands in a Government village (Arbuthnot’s “Selections from the Minutes of Sir T. Munro,” Volume I, page 254), and like the latter ryot, the former ryot, in the absence of proof of contract or of special or local usage to the contrary, is entitled to occupy his lands so long as he pays what is due, and if he should commit any default in this or other respect, until he is evicted by the processes provided by law.”’

What greater authority can be placed before the Members of this Honourable House? It is not a case of to-day. I will be coming presently to a more recent case where every authority has been reviewed. So long back as the time of 20, Madras, they held that the zamindari ryot was in the same position as the Government ryot with regard to ownership of the soil. What is the position of the Government ryot and what has been his position? The Government ryot is a freeholder. His only obligation is to pay the tax due to the Government. In 20, Madras, it was held that the zamindari ryot was in the same position as the Government ryot, his only obligation being to pay that revenue which was called rent at that time. It was a misnomer to have called it ‘rent’ at the time. In 23, Madras, which I referred to just now, in the concluding portion, at page 182 of the report, it is stated:

‘Nor is the fact that the zamindar is the owner of the kudivaram right as well as the melvaram right sufficient to shift on to the ryot the burden of proving that the tenancy is not one from year to year. In order to discharge the onus which is on him in a case of ejectment, the zamindar must do more than merely show that the land when it passed into the hands of the ryot was at his disposal, as relinquished or as immemorial waste land. He must show that the defendant’s possession is inconsistent with the *prima facie* view that it is held under the usual and ordinary form of holding prevalent in the zamindaris.’

So, in 23 Madras, what was stated in 20 Madras was reaffirmed. Then the Privy Council case is referred to at page 182. I have not brought the Law Reports here, because it is not necessary to refer to them in detail: after all, this is not a court of law before which we are arguing. We have put all these things in the report, so that hon. Members may have these extracts from the cases before them.

“Coming now to 45 Madras, at page 182: this case also was one between the inamdar and his tenants, but the Privy Council were called upon to review the authorities not only with reference to the inamdar but also with reference to the zamindar from out of whose estate the inam came out. It will be found that what is

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stated by the Committee with regard to these important matters has received the approval of the Judicial Committee of the Privy Council also. At page 182 of the report, I request the attention of hon. Members to paragraph 3: On the construction of the inam lands, the learned Judges held as follows:

'In the present case, the grant itself does not convey in express terms the kudivaram to the grantee. Nor does the term inam, an Arabic word meaning "a reward" give any indication of the intention of the donor, even if he had the right to bestow it on the donee.'

and this is the rule laid down by the Privy Council:

'*Prima facie* a zamindar or poligar is a rent-receiver; or to use the language of section 4 of Act I of 1908, he has the right to collect the rent from his tenants. *Prima facie*, his right of direct possession of the lands is confined to his "private lands" and the old waste land; it does not extend to "ryoti land."

3-30
P.m.

What is the meaning of the passage that is quoted from the decision of the Privy Council? That decision relied upon section 4 of the Estates Land Act I of 1908? What does that section say? That section says that the only right which the landholder has got under this Estates Land Act is the right to collect money from the ryot; he is not entitled even to possession and he cannot take possession of the land which is with the ryot. He can only claim possession in the land which can be called his private land. In regard to ryoti land, he shall have no right to possession even. This is what section 4 of the Estates Land Act says: 'Subject to the provisions of this Act, the landholder is entitled to collect rent in respect of all ryoti land in the occupation of a ryot.' That is the only right which the landholder possesses under the Estates Land Act; and this section 4 was the subject of interpretation by the Judicial Committee of the Privy Council. There they held that the landholder is only a rent receiver. He has no right even to possession and that the only land to which he can lay claim to possession is his own private land. So, Sir, those who have been contending that a long course of decisions has created rights in favour of the landholder, or has recognized the rights of the landholder, must look into these things to understand the plain meaning of the plain words therein.

"After laying down the above proposition, the Privy Council proceeded to lay down the following rule relating to cultivating ryots specifically:

'The place of the cultivating ryots in the agricultural economy of Southern India is thus described in a Proceeding of the Board of Revenue of Fort St. George (Madras), dated 5th January 1818:

Sixteen years after the Permanent Settlement Regulations were passed, the Board of Revenue had to deal with it and interpreted and explained the whole position and that was quoted by the Privy Council as authority in this matter. What is that authority?

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They quoted the Board's Proceedings relating to cultivating ryots which runs as follows:

'The universally distinguishing character, as well as the chief privilege of this class of people, is their exclusive right to the hereditary possession, and usufruct of the soil so long as they render a certain portion of the produce of the land, in kind or money, as public revenue; and whether rendered in service, in money or in kind, and whether paid to Rajas, jaghirdars, zamindars, poligars, muttadars, shrotriendars, inamdars or Government officers, such as tahsildars, amildars, amins, or tanadars, the payments which have always been made by the ryot are universally termed and considered the dues of the Government.'

That is land revenue and not rent in the English sense. That is the position held by the Judicial Committee of the Privy Council in regard to the rights of the cultivating ryot in Southern India.

"Then, they reviewed the whole of the Estates Land Act in order to ascertain the relative position of the landholder and the ryot, the inamdar and the ryot. The Estates Land Act was examined by the learned Judges of the Privy Council and after examining the whole thing, they laid down that it was a processual law passed to enable the landholders and others who come within the definition to recover moneys due to them. Beyond that nothing else was conferred upon these persons by that Act. The only right that was conferred on the ryots was the right to acquire occupancy right. This is what is stated in the last paragraph of page 182:

"Referring to the scope and objects of the Estates Land Act, the learned Judges of the Privy Council held as follows:

'In declaring the rights of the occupancy ryots and emphasizing the distinction between the landlord's "private lands" and the "ryoti lands," the new Act affirmed the old customary law that had always been recognized by the British Administration. Apart from rules relating to procedure and the jurisdiction of the Revenue Courts, it created one new right in order to settle the constant disputes between landlords and tenants which had been going on for nearly a century; it gave occupancy rights to all ryots in occupation of lands within an "estate" at the time of the passing of the Act. It also gave some security to non-occupancy ryots in the enjoyment of their lands. In other respects, generally speaking, it declared and gave statutory recognition to existing rights and status. One important feature of the Act is worthy of the note; it throws into relief the component parts, which, from immemorial times, go to constitute a village; first, the lands in the direct cultivation of the proprietor (called by various names); second, lands occupied by tenants or ryots; and third, old waste lands over which by custom the landlord possessed certain specific rights now crystallized in the statute.'

"Now, Sir, where are the rights about which hon. Members have been speaking so much; where were the rights vested in the landholders and where were the rights recognized or confirmed in favour of the landholders by any judicial authority? Here is the exposition of the whole law and fact by the highest Judicial Tribunal. They dealt with the question in a straight manner and in no way indirectly. Although the case was between an inamdar and a tenant the whole question was examined by them; and they laid down what the Estates Land Act did with regard to conferring of any rights. Where is the law, where is the statute

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under which, hon. Members were saying, that long course of decisions were like this and like that? I ask, where is the long course of decisions which recognized any of these rights? On the other hand, it has been pointed out to hon. Members just now, that the whole thing has gone the other way. Section 4 of the Estates Land Act—sections of the Act have not been worded very happily, and sections 7 and 9 of the Patta Regulations have not been reproduced bodily—is so confusing that it became difficult for those who were called upon to interpret this section, to decide cases in a proper manner. Beyond that, there is nothing even in the Estates Land Act. The Hon. Mr. Forbes spoke like an honest man and whatever he spoke is to be found scattered in this corner and that and I referred to his speech when I opened the debate in this House. I am now placing before you all these materials to show that there is nothing new in what the majority of the Committee have stated. It is said that the majority of the Committee approached this subject with a prejudice. As lawyers practising in courts of law, having come into touch with so many clients and with their outside knowledge, they ought to weight their words and examine the whole thing. Of course, I do not object to their examining it; I do not object to their comments; on the other hand, I thank them for the way in which they have approached the subject and expounded it to the best of their ability and for having given me an opportunity to place all these things before them so that they may correct their views.

“ This Privy Council case in 45 Madras was followed in another case of the Privy Council reported in 52 Madras. They referred to some one or two cases in 41 Madras, 1012 and 43 Madras. That case, 41 Madras, was disposed of on the basis of presumption; there was no decision either way; and 43 Madras, page 166, also was disposed of in the same manner on the basis of presumption. After these two cases were disposed of like that, the matter came up before the Privy Council in 45 Madras which I have just now referred to and the passage relating to that has been placed before you, Sir. These two decisions were referred to there. They pointed out how they were to be distinguished. In those cases, they went on the basis of presumption. In 45 Madras, they examined the whole thing, went into the rock-bottom of the question, starting from the beginning and going to the end; and then they stated what the respective positions of the landholder and the ryot were. They explained what the position of the landholder was within the meaning of section 4 of the Estates Land Act. This is the case law. Then reference has been made to another case in 44 Calcutta, page 841. I shall not trouble you or the hon. Members of this House to go into the Calcutta decision and examine it side by side with this, because in Calcutta the relationship between the landholder and tenant is quite different from what it is here to-day. Not only to-day but even from the date of the Permanent Settlement until now, the

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relationship between the landholder and the ryot in Madras is quite different from the relationship of the landholder and the tenant in Bengal. In Bengal there is what is known as the sub-infeudation system, and according to that it is not only one person who is a tenant, because there are what are called ‘ patridars ’ and ‘ sub-patridars ’ of whom there will be sixteen, seventeen or eighteen between the original landholder and the cultivator himself. So, that has been thrown out as not applicable to Madras, not by one authority but by all possible authorities, some of which have already been referred to by me.

“ Now, Sir, I have placed before hon. Members of this House what the case law is on this subject. I have also placed before them the statutory law. From both, it is clear that it is the right of the ryot that has been established and not the right of the landholder. 3-45 p.m.

“ Now, I would like to draw the attention of hon. Members to certain facts in order to remove the doubts that might still be lingering in the minds of hon. Members with regard to rent. Dr. Sir K. V. Reddi Nayudu read sections of the Permanent Settlement Regulation and certain sections of the Patta Regulation and he has discovered from the Permanent Settlement Regulation that peshkash has been fixed unalterably. He asked why they did not use those very words in the Patta Regulation, if it was their intention that the rates of rent which the ryot had to pay to the landholder were also to be fixed unalterably. Then the hon. Member wandered from section to section. The Hon. the Premier has dealt with all the points that have been raised during the course of the debate and I do not think it is necessary for me to dilate upon them, for when he puts a thing to the House, he puts it in such a way that even the man in the street could understand it and he does not indulge in any interpretation of the language used, but puts forth the truth, the truth that is the basis of all justice and that is expected to be laid before a court of law. It only now remains for me to follow it up in order to clear the doubts in the minds of certain hon. Members. Hon. Members seemed to ask, ‘ What is it that was settled at the time of the Permanent Settlement? ’ It just reminds of the question a person put to another after hearing the full story of Ramayana. He asked, ‘ I have heard the whole story; but how is this Sita related to Rama? ’ The question put by certain hon. Members reminds me of that question. They ask, ‘ What did this Permanent Settlement settle; we are unable to understand what the Majority Committee Report means; do they mean that the demand of land revenue of the Government was fixed or do they mean that the rate of rent was fixed permanently and unalterably. We are willing to admit the report of the majority in the matter of fixing the land revenue demand of the Government permanently and unalterably? ’ Mr. Narayanaswami Nayudu among others has

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stated the case both on the floor of the House as well in his Minute of Dissent on page 353, paragraph 4; after discussing the relationship of the tax-payer to the zamindar, the hon. Member comes to the conclusion—I must thank the hon. Member for raising the point—that the Government's demand on the zamindars was fixed permanently for ever and on the other hand the zamindar's demand on the ryot was alike fixed permanently for ever. On these two points the hon. Member agrees with the majority findings of the Committee. I shall have to take him from this point to show that doubts in his mind if there are any, could only be on points of detail. I shall show to the hon. Member where the trouble started in his mind and on what wrong premises the trouble was started. He agrees as I have stated, that the amount payable by the zamindar to the Government on the one hand and the amount payable by the ryot to the zamindar on the other hand were fixed permanently for ever. If he agrees on both these two points, I am unable to understand what his real difficulty is and I shall take him through certain passages to show to him where he started his mistake and how he is not able to come out of it. When these two things are admitted, when the first step which was referred to by the Hon. the Premier, of fixing the land revenue irreversibly was finished, it was easy to take the next step and thereto the hon. Member says, 'I also agree that on the other hand the zamindars' demand on the ryot was alike fixed permanently for ever.' What is the zamindars' demand? After first ascertaining this amount, the amount due to the Government as land revenue, this assignment came from the Government to the landholder. I shall explain the process briefly. 'The amount of land revenue is fixed and we give our promise and word to the ryot and we say, we have fixed this permanently and we give our word that we will not alter this amount hereafter' and then they assigned to the landholder the right to collect this irreversible amount from these unfortunate men and we say to them 'Here are the men in respect of whose land revenue you have been given the right to collect but you should not collect anything more than that.' If, on both these things, the hon. Member agrees with the Committee. I wonder what the other difficulty is that is troubling him."

SRI B. NARAYANASWAMI NAYUDU:—"I raised them in the Committee."

* THE HON. SRI T. PRAKASAM:—"I know that the hon. Member raised the points both in the Committee, in the Minutes of Dissent and in the House as well and that is why I am taking up his minute of dissent to examine the position taken up by him. But after these two points have been agreed to, I do not think that there is any other upon which he could differ from the Committee; if there is anything, it could only be on matters of detail."

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It is not as if every detail put forward in this report by the Committee—and the Hon. the Premier has explained it very lucidly—is to be meticulously examined and it is not as if after an examination, a searching examination, this is going to become law to-morrow. Points of difference in points of detail there would be; but if there is an agreement upon these major and fundamental issues, there need, I submit, be no further difficulty. After signifying his agreement on these two points, his trouble starts from the sixth paragraph and he proceeds up to page 355 explaining the points raised by him. I do not want to read through the pages but to quote him:

'This is the crux of the whole matter. What was the limit placed by the Permanent Settlement and the Patta Regulation as the demand on the ryot? Was it merely the rate of rent or the proportion of his rent on the total demand of 1802? To my mind the Permanent Settlement was not intended and did not fix the State dues of fasli 1210 to be the maximum demand on the cultivated area, but what was fixed by the Permanent Settlement and the Patta Regulation was only the limit of the maximum rates of rent.'

I agree with the hon. Member so far as the first part of it is concerned, namely, that the Permanent Settlement was not intended and did not fix the State due for fasli 1210 to be the maximum demand of the cultivated areas and it was, not the contention of the Committee. No doubt, that was the testing year and that was the year that had to settle the whole matter; but they did not want to take the rate that prevailed in that particular year alone when they wanted to settle the rate for fasli 1210. They went back for a number of years; they took into account some normal years and even some famine years also and worked out the figures and then they fixed the average rate and that was entered as the dowle rate which the karnam under Regulation XXIX of 1802 was called upon to enter in his register and maintain as the record of rights for the future. The hon. Member was mistaken in thinking that the Committee imagined that the rate as it prevailed in that year 1802 was the rate that was taken into account for future guidance. I shall read the next part of the sentence:

'What was fixed by the Permanent Settlement and the Patta Regulation was only the limit of the maximum rates of rent.'

What was settled—he may put it in whatever manner he likes—were the rates of rent and not the maximum rates of rent. What was settled at the time of the Permanent Settlement were the rates of rent. The amounts on the cultivated area were ascertained and I may make the position clear to the hon. Member and also . . ."

SRI B. NARAYANASWAMI NAYUDU:—"The maximum amount divided by the extent of the area gives the rate per acre."

* THE HON. SRI T. PRAKASAM:—"The hon. Member solved that difficulty for us in the Committee. I shall just refer to it. We had a discussion about it and we got our doubts cleared and

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the hon. Member himself placed it before us and we adopted his amendment and made it a part of the report itself. I have not forgotten that and I am re-stating it because he has raised it. The case has been stated in such a manner by the Hon. the Premier that I need not follow it. But yet in view of the speeches that have been made even after clear exposition of the case by the Hon. the Prime Minister, I feel compelled to refer to it. All these are authorities, not any inference drawn by me, not anything imagined by me or by any member of the Committee.

4 p.m. "And so it was made clear even at the time of the Permanent Settlement that the rates of rent were settled; they took care to say that it was not the amount on the cultivated area, as the cultivated area might be varying in extent as new lands are brought under cultivation. So they said, the rates of rent were settled. And what is this rent? It is defined in the Patta Regulation. It is not merely money rent. There are four kinds of rent defined in it. Firstly, village rent, that is, rent payable by the village as a whole; secondly, rent payable in cash or money; thirdly, rent called grain rent; and fourthly, a division of the produce with regard to what may be brought under cultivation hereafter. All these rents, whether it was village, cash, grain rent or even a share of produce—all these rents, and their rate were fixed permanently and unalterably; and it is on this basis the whole of the Patta Regulation started. It stated that the patta tendered by the landholder should contain the name of the village, the extent of the land, the period of the kist and the amount of the rent. It is only after these things are settled that the money value was ascertained and fixed and the pattas and muchilikas were exchanged. Sir K. V. Reddi wants us to put a different meaning on sections 7 and 9, and it takes away the breath of us all and the public to hear it. Can there be a Regulation passed year by year? And he was arguing that section 9 of the Patta Regulation relates only to cases which do not come under sections 7 and 8. Although I confess it is a foreign language and although I do not claim to be a professor, at least I lay claim to know enough of that language as to understand it. I say, these rents were ascertained and settled once for all at the time of the Permanent Settlement. The Hon. the Prime Minister has put the whole thing in such a homely style and very clearly that the division in produce was fixed and that there is a difference between the grain rent and rent by division of produce, so that I do not think I should dilate on it. Grain rent was fixed on the same average basis as money rent was fixed. Division in produce was intended to apply not to cases in which rent had already been fixed. Division in produce applies to waste lands that would be brought under cultivation in future. With special regard to the classification of soil, etc., all these things were fixed at the time of the Permanent Settlement; in fact, everything was fixed then, and nothing was left out—even with regard to waste lands that might be brought under cultivation thereafter. I shall just take the House through the

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clause relating to a division in produce. At page 104 of the Appendices Volume; you will find it under clause IV.

'Fourth.—Pattahs for the division of the produce of land shall be drawn according to the form prescribed in clause three.'

"And what is this clause three? It is as follows:—

'Third.—Pattahs for village rents shall contain the name of the village, the extent of the lands therein, the amount of the rent per annum, the period of the kists, which proprietors or farmers of land shall be compelled to adjust according to the time of reaping or of selling the produce of the land, and the coin in which the rent is to be paid.'

"Then I shall continue clause four:—

'Pattahs for the division of the produce of land shall be drawn according to the form prescribed in clause the third: but in lieu of the money rent, such pattahs shall specify the extent of the land, which the under-tenant, under-former or ryot may engage to cultivate, and the rate of the cultivator's share of the different kinds of grain cultivated and produced.'

"I shall also read the clauses, five and six:—

'Fifth.—Pattahs for lands on which a money rent is assessed shall, in addition to the items described in clause third, specify the rate of assessment on such lands, according to the land measure in use, and the rents on each description of land or grain, as the usage may be.

'Sixth.—Pattahs for lands charged with a grain rent shall, in addition to the items prescribed by clause third, state the specific quantity of land occupied under this description of rent, the specific quantity of grain to be rendered, and the species of grain.'

"All these will show that everything was worked out from village to village and nothing was left out. So the whole scheme of the Patta Regulation was to abolish, as was pointed out by the Hon. Premier, the old fluctuating and varying system of land revenue and to ascertain and fix it once for all as an unalterable thing. There, Mr. Narayanaswami Nayudu agrees; he agrees that the rates of rent have been fixed. One difficulty he has raised: 'what about the commutation of produce; why do you say, the landholder is not entitled to commute according to the prevailing price levels?'"

SRI B. NARAYANASWAMI NAYUDU:—"That is not the point I raised."

* THE HON. SRI T. PRAKASAM:—"If he has not raised it, other hon. Members have raised it. I am glad, Mr. Narayanaswami Nayudu says, he has not raised it. So far as that matter is concerned, it has been explained by the Hon. the Premier, and I need hardly add anything to it except to draw the attention of the House to certain passages to show the object of the fixation of rent—whether it was by way of division of produce or by way of grain rent or cash. I shall read paragraphs 76 and 77 at page 243 of the Appendices Volume:—

'76. In disposing of their property in the lands, Government transfers to the constituted proprietor the seignorial rights which they exercised in their capacity of general landlord but the exercise of those

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rights being tempered by the extended views of the Government, considers in its political capacity of sovereign, the inferior inhabitants derived from the care and the interest of the Government, a positive degree of security against the abuse of power. We presume that in framing the regulations for the new internal constitution of this Government, security will be provided under distinct definitions for the rights, prescriptions, immunities, and customary advantages of the lower class of people.

'77. One of the most important objects of the solicitude of that class is the warum (or share of the crop) a subject which appears prevailed for the last six years ought in our judgment to be confirmed according to the Dowle of Fusly 1210 as the standard for decision in cases of dispute.'

"This was stated three months before the Permanent Settlement Regulations were passed. The Permanent Settlement Regulations were passed on 13th July 1802, and this report was signed in April 1802 by the Special Commission appointed for settling these rights and other matters in what was called the Jaghir, that is now represented by the Chingleput district.

"Referring to the waram rate, the object of fixing this thing permanently is first explained. Then they give a second reason for fixing this waram rate in the manner in which they have done on the average basis. This is what they say:—

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'One of the most important objects of the solicitude of that class is the warum (or share of the crop) a subject which appears prevailed for the last six years ought in our judgment to be confirmed according to the Dowle of Fusly 1210 as the standard for decision in cases of dispute; being the rates on which the value of the jagheer has been calculated in fixing the permanent jumma. We do not recommend these rates of warum from an entire conviction of their invariable equality, but, because we think it will be highly expedient to enable the proprietors of land to enforce a fixed and known rate of division; without which the means of cavil on this point are so abundant as to be capable of involving every proprietor of land in inextricable disputes with his tenants; and consequently to depreciate the value of land. Possessing the power of enforcing a fixed rate of division, the proprietor will retain the option of relaxing the exercise of it, and will consequently be enabled to afford encouragement to industry and to repress the litigious spirit, which too generally distinguishes the lower order of our Indian subjects. The inhabitants will find protection in the Courts of Judicature from the oppression of the proprietor, but unless some defined rule be fixed, the proprietor would be continually harassed by obsolete claims of prescriptive "mamool".'

"The second paragraph is, Sir, a very significant one. Paragraph 78:

'We have also another reason for recommending the warum entered in the Dowle of Fusly 1210; we consider that it may promote the object of commuting the contribution in kind for a money payment which we hope will ultimately prevail notwithstanding the difficulties to be surmounted before it can be introduced.'

"They anticipated it. When they fixed it they were thinking of those people who still insisted upon having this waram rate business for some time in the near future. 'We think,' they say, 'they may convert this, and they should convert this into money rates, which will be more beneficial for the ryots. And, in order to enable them to do it, in order to enable them to commute this into cash, we are fixing these things, this share in the crop in

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an irreversible manner.' That is what has been explained in the way in which it had been done. These are two objects with which it was done. Then the rate was fixed, the value was fixed, the peshkash value was fixed and the peshkash is paid in cash from that date until now. It is a simple rule of three. So many hot arguments were advanced that we should follow the interpretations of sections by the Privy Council and the High Court. In all seriousness if the House should say, 'interpret these sections alone and do not go anywhere else,' I would only be glad to look into that portion. But we know that this is not a committee appointed, by the High Court or a judicial committee. This is a committee appointed by the hon. Members of this House representing the nation to-day. They wanted us to go into this question, and decide who has got the ownership of the soil, and what the rights of the parties are with regard to the forest, irrigation sources, and fair and equitable rent. In the course of our investigation, when we went into the matter, when we found there that the fair and equitable rent had no limit, we went back to Estates Land Act of 1908, but we found it has gone behind the Rent Recovery Act of 1865; when we reached 1865, we found it had gone much further beyond that source. All the things we went into have been placed before the hon. Members of this House. To argue like a lawyer, who could argue and interpret a particular section and on a particular issue either for the plaintiff or for a defendant with regard to a certain particular claim, that is not the thing that we were asked to do here. If it was the instruction to us that we should not travel beyond, certainly we would not have gone beyond our power. If we had not been asked to go into all these questions with regard to the ownership, with regard to fair and equitable rent, if any limitations were placed with regard to the jurisdiction or the scope of our recommendations, even then, I think, we will be failing in our duty, if after discovering what we had discovered in this, we did not place them before the hon. Members of this House to enable them to do true justice to-day.

"I will now make an attempt to show to the hon. Members of this House, by drawing their attention to certain pages which were not referred to by me before, that it was not the peshkash alone that was fixed permanently and unalterably, but it was both the peshkash and the balance that were assigned to the landholder for remuneration, that were fixed permanently. I would request the attention of the hon. Members of this House to the Special Commission Reports and to the Statements of Account attached to these reports. To understand how this permanent settlement arrangement was arrived at by ascertaining the demand of the Government land revenue first and then dividing it into two-thirds and one-third as between the landholder and the ryot, I would take hon. Members into these pages for a few minutes. Appendices Volume, page 260; this is a Statement of Account attached to the Special Commission Report relating to the Western Poliams

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of Venkatagiri, Kalahasti, Bommarajupalayam, Sydapore. I would request the attention of the hon. Members of this House to the entries in the various columns of the statement. Column number 1, Gross beriz of the zamindaris. Amounts are given there in star pagodas. No. 2, Deduct amount of alienated lands shrotriyam inams. This is also given in star pagodas. No. 3, Gross collection of revenue by the accounts taken by the Collector from those given by the zamindars themselves. That is gross revenue. Net revenue from the same source, column 4. Column 5, Value of lands allowed to amarum and cuttabaddy peons on Military tenure exclusive of items included in column (4) resumable at pleasure by the Poligars being included in the gross Beriz. No. 6, Total of the two preceding columns of net revenue in money and service lands. Column 7 is important. Aggregate amount of the Military establishment including column (5) according to the Collector's statement. No. 8, Present peshkash paid to Government by the poligars. Column 9, Total of columns 7 and 8 being the amount of present peshkash Military charges disbursed by the poligars. Then column 10. I am afraid it is somewhat tedious, but all the same you will find that the thing is important. After stating all these things, after giving the gross collection of revenue, net revenue, peshkash, etc.—the amount is given there in star pagodas—finally this is given: 'Surplus remaining to the zamindars deducting column (9) from column (6) from their own acres.' That is the surplus remaining to the zamindars from the total gross collections after paying the peshkash. The arrangement was completed, the amount was settled, the total gross collection was entered, and then and there the other amounts were shown, and after paying the peshkash, the amount that remains as balance was the surplus and that is to belong to the zamindar. It is taken from the zamindar's own account. The Collector says that.

"Next you may refer to page 278 of the Appendices Volume, paragraph 22. They have made the position clear here. Referring to the arbitrary system that prevailed before this permanent settlement of the proprietary system that was brought into existence, the word 'proprietor' had been commented upon in the same manner in which Judge Collett interpreted it. But that is not the meaning in which it is understood. There were two systems: the arbitrary system that preceded the permanent settlement and the proprietary system which followed it. Under the proprietary system, the rights of the ryots have been secured. The pattas have been introduced like the sanads as between the landholder and the Government. In these pattas the rents fixed permanently and unalterably were entered and these pattas are referred to in this paragraph. They say that the rents entered in the pattas shall remain in force not only for the particular year, but also for the future. That is why I wanted to draw the attention of the hon. Members here.

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the two former qualifications however will not avail without the increasing exertion of the latter in no respect therefore does the arbitrary system resemble that of the proprietary system except in the rule of granting Pottahs to the cultivators, the one is pregnant with abuse and uncertainty perpetuating poverty. The other precludes abuse in the administration of the revenue, differs comparatively perfect security, and opens a prospect of progressive wealth to the body of the people but is unnecessary to occupy the time of your Lordship in Council by a discussion on these points as the regulations provided for the security of the rights and privileges of the proprietors and cultivators and it will be conditions of sale that the Pottahs granted by the Collector shall be valid so long as the holders pay the rent of the fields therein specified.'

This is the language used there: 'The pattas granted by the Collector shall be valid so long as the holders pay the rent of the fields therein specified'—not patta for the particular year that will be extinguished at the end of the term, but the rents that were fixed will remain there so long as the holders pay the rent specified therein. That is what is stated in paragraph 22 of the Special Commissioner's report here. There is a reference here to the regulations. This Special Commission's report is dated 27th August 1802. The Patta Regulation and Permanent Settlement Regulation were passed on 13th July 1802. After they were passed, on the 27th August, this report was signed and the documents or title-deeds in which the rents are fixed and entered, will entitle the holder in that particular area to be the owner so long as the rents fixed and entered there were paid.

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"Then I request hon. Members' attention to page 281 to the Government Order on this Commission's report as printed there.

"The next Commission's report is the report of the Commission for Vizagapatam first division—page 282. On page 288 in paragraph 6 of the Government Order you will find the direction given there: 'His Lordship in Council for the reasons stated by you directs that the collection of the nuzzers on mirasi maniams may be entirely abolished and the holders of these maniams exempted from the payment of nuzzers.' The report in some form or other, recommended the abolition of nuzzers so long back. But that has appeared in the Estates Land Act, section 25, in what is called the premium charged on waste land while returning the same to the persons entitled to them. The next Commission's report is for Masulipatam, first, third and fourth divisions—page 317. That is the statement attached to the Special Commission's Report. I am not troubling the hon. Members of this House with regard to the references made already. What is written here in these columns must enable hon. Members to dismiss from their minds all doubts that might still be lingering that it is only the peshkash that has been fixed permanently and not the rent which the zamindar was asked to take. I have shown what is stated there, in regard to the western palayams that the surplus should go to the zamindar, the other two-thirds having been taken away for peshkash. This refers to Masulipatam first, third and fourth divisions. On page 318, there are the following columns: column (2) gross revenue by the

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Committee of Circuit. Column (3) deducting sayar as estimated by the Committee of Circuit. Column (4) gross revenue, the result of the Collector's investigation. Column (5) gross revenue deducting sayar. Column (6) one-third for charges of income remaining with the zamindari. Column (7) two-thirds of the gross revenue deducting sayar.

"What more conclusive proof can be placed before the hon. Members of the House that it is not a mere imagination, not a flash that has been cast here. The whole thing had been worked out. How long have they been working? Did they sit in a corner and make a site estimate? The basis for the calculation of the settlement of these rates permanently at the time of the Permanent Settlement was the accounts that had been prepared for a number of years by the Circuit Committee. You will find them here according to the Circuit Committee's estimate, then the Collector's estimate and then the Revenue Board's estimate. All these were examined. Wherever they have been found to be based on wrong principles, they were dismissed. Then they were finally fixed—two-thirds for the peshkash and one-third towards the remuneration of the zamindar. What more proof is necessary? It was not the peshkash that was fixed permanently, but it was the revenue that was fixed permanently and unalterably. You will find the same thing with regard to the southern palayams. It is not the gross produce that is shown in the accounts there. There they deducted the expenses and the net amount is shown. We never wanted to submit to the hon. Members of the House in this report that the basis of gross produce was adopted throughout the whole Presidency or the basis of net produce was adopted throughout the whole Presidency. Net produce was adopted in certain areas in the south and the gross produce in the northern districts and variations were according to the loyalty of the landholder to whom the right to collect the revenue was assigned. This is given in Part II at page 215. There are three columns at the bottom: (1) General rule for the zamindari settlements in the Northern Circars. (2) To Government. Two-thirds of net assets—60 per cent of the gross. (3) To zamindar or poligar one-third of the net, 40 per cent of the gross. I will request the attention of hon. Members to these few items here because they have covered almost all the estates under general heads:—

General rule for the zamindari settlement in the Northern Circars.	To Government. Two-thirds of net assets—60 per cent of the gross.	To zamindar or poligar one-third of the net—40 per cent of the gross.
<i>Pollam Settlements.</i>		
Ceded districts permanently settled, 1802.	80 per cent of collections	20 per cent of collections and 10 per cent of future increase.
Tinnevely permanently settled large estates.	54-57 per cent of computed assets.	46-48 per cent of computed assets.
Tinnevely permanently settled smaller estates.	41-49 per cent of computed assets.	59-61 per cent of computed assets.
In seven cases	80 per cent of ascertained gross resources	40 per cent of ascertained gross resources.
Madura permanently settled—Rannad.	86 per cent of average gross collections on average of six years.	84 per cent of gross collections on average of six years.

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General rule for the zamindari settlement in the Northern Circars.	To Government. Two-thirds of net assets—60 per cent of the gross.	To zamindar or poligar one-third of the net—40 per cent of the gross.
<i>Pollam Settlements—cont.</i>		
Permanently settled Dindigul, six pollams.	66 per cent of survey valuation.	34 per cent of survey valuation.
Not permanently settled but unaltered since 1802.	70 per cent of survey assessment on cultivation of fasli 1212.	30 per cent of survey assets on cultivation of fasli 1212.
Chittoor Pollam not settled permanently as per Proclamation, dated 1804.	40 per cent of the melwaram or Government share (calculated on the decennial settlement from fasli 1221 to fasli 1230).	60 per cent of melwaram.
Kangundy permanently settled.	60 per cent of assets in 1800.	40 per cent of assets in 1800.
Poonganoor permanently settled.	83 per cent. of average revenue from fasli 1234 to fasli 1240 (Sunnud granted in 1860), supposed to be equal to 67 per cent of value.	17 per cent of average revenue at time of settlement, supposed to be equal to 33 per cent of value.
Salem Pollams not permanently settled and Western Pollams permanently settled.	Ancient peshkash confirmed without reference to assets.	Not calculated for the settlement.
Coimbatore Pollams not permanently settled.	70 per cent of assets in 1808.	30 per cent of assets in 1808.

"So let there be no mistaken impression anywhere that the Committee did not place all the facts before the Legislature. All the facts have been examined from every aspect and they have been placed before the House. So far as the division of the rate of peshkash and the amount which should be taken by the landholder was concerned, they have been fixed up. There was one system adopted throughout, but in some places there were special variations for special causes. They have all been dealt with in the report. The reasons given by the Government also have been placed on record here.

"Some point was suggested about the landholder being entitled to enter into mutual agreements and claim enhanced rates of rent. (Sri B. Narayanaswami Nayudu: 'That is an old theory.') Yes, that is an old theory. I may explain it here. This mutual agreement or contract was referred to only with regard to waste lands, that is, extended cultivation. This could not apply to cultivated lands. Landholders shall be free to enter into agreements with the persons to whom land is given for reclamation and development at lower rates of rent, lower than those fixed permanently at the time of the settlement on cultivated land. That means a contract that was excluded from the scope of the Permanent Settlement; an exception was made with regard to the waste land, when it had to be given at lower rates to encourage those who would work on the soil and develop it from time to time. That was the only contract that he could enter into with the cultivator with regard to waste land. He could give the land to-day at Rs. 5 an acre and the next year by arrangement he could take Rs. 10. If the cultivator brings this one acre of land under cultivation and shows an increased produce, he could enter into another arrangement for the next year or he could claim a share in the gross increased produce.

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"On this some stress was laid by saying that some freedom was given to the zamindar with regard to the enhancement of rent though it has been fixed permanently and unalterably according to Permanent Settlement Regulation. As my hon. Friend Mr. Narayanaswami Nayudu would put it, it is a very old matter. But nobody can contend so if once it is shown that everything was fixed permanently and unalterably. I refer in this connexion to what was stated by Mr. Hodgson at page 550 of the third volume of his report. At pages 552 and 554 he has worked out the figures for the net produce that the cultivator should get. At the end of page 556 in his report referring to the Dindigul Paragana the three conclusions which he drew are these:

'First.—That no zamindar proprietor (or whatever name be given to these persons) was entitled by law, custom or usage to make his demands for rent, according to his convenience; or in other words

'Second.—That the cultivators of the soil had the solid right, from time immemorial of paying a defined rent, and no more for the land they cultivated.'

—a defined rent and no more for the land they cultivated. Those were the words used. Rent was defined in perpetuity and no more than the defined rent should be demanded by the zamindars for the land the ryots cultivated. Then he says:

'This right is inherent in all the cultivators, from the most northern parts of India to Cape Comorin. I shall have occasions hereafter to show how the right came to be more or less of value in different parts of the India Empire.'

"In paragraph 37, page 556 of the same volume, he says:

'The proprietary right of zamindars, in the Regulations, is therefore no more than the right to collect from the cultivators that rent which custom has established, as the right of Government; and the benefit arising from this right is confined first to an extension of the amount, not of the rate of the customary rent by an increase of cultivation

So mark the words 'not of the rate of the customary rent.' So, the only way in which the landholder under the Permanent Settlement is entitled to extend the amount fixed by the Permanent Settlement is by bringing in more waste lands under cultivation and adding that amount which will be derived according to the permanently fixed rate on the lands so brought under cultivation to the amount already fixed for the lands that were being cultivated at the time of the Permanent Settlement. Thus you will see that 'the benefit arising from this right' is confined to an extension of the amount by the money that will be payable on waste lands on account of their being brought under cultivation, and not to an increase of the customary rate. Similarly it is also stated there that the zamindar is entitled to an extension of the amount on account of 'a profit in dealings in grain, where the rent may be rendered in kind,' and also thirdly on account of 'a change from an inferior to a superior kind of culture arising out of a mutual understanding, etc.'

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"Therefore, from the above, it is clear that so far as the land is concerned, it was the land that was assessed and it was the land that had to bear the burden and not the crop as it has been demanded by the landholders in the north, west and southern districts in their respective places.

"Then Mr. Hodgson's report refers to the methods adopted with regard to the survey of the fields and the classifications made and also the tarams and the rates that were fixed permanently.

"Then, Sir, the Karnam's Regulation was not referred to. It is a most important Regulation which should clear the doubt of any one as to the arrangement made at the time of the Permanent Settlement. It starts by saying:

'The revenue payable to Government from the estates of proprietors of land being fixed for ever and courts of judicature being established for protection of the said proprietors in the enjoyment of their lands free from all other demands than those of the permanent assessment on the part of Government and the practice of soliciting, etc., etc. . . . have no longer any direct object.'

and they continue:

'The Government has in consequence deemed it to be expedient to abolish the several officers heretofore maintained for the purpose of detecting or of preventing such concealment, with the exception of the office of karnam. But the office of karnam being still of great importance to the preservation of the rights and property of the people,'

not that of the landlords.

'it is expedient to provide for the continuance of that office on an efficient establishment, for the purpose of facilitating the decision of suits in the courts of judicature, etc., etc.'

If you refer to section 9 of the Patta Regulation, you will find the same thing. According to this Karnam's Regulation all the old establishments that were in existence for the purposes of preventing fraud were dismissed by one stroke of the pen. They said 'no longer is this establishment required, because we have fixed the rate according to Permanent Settlement; if there is one man, it is enough; what he has to do is to maintain an account in the following manner.' That is what they said. Then clause 13 gives the various duties that were enjoined upon the karnam and for what purpose? To maintain an account to show the extent of lands that were brought under cultivation and the rates that were fixed, grain rent or money rent. All this he was called upon to enter in his accounts. The preamble to this Regulation says 'he has to maintain an account in case of disputes.' That means, in case of disputes it is this man that should produce this account and whatever officer is called upon to decide such cases, he has to decide them on the basis of the accounts produced by the karnam.

"Now, Sir, I have placed all these facts with a view to enable hon. Members of the House to see that nothing was left in doubt

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at that time. So far as the doubt of my hon. Friend, Mr. Narayanaswami Nayudu is concerned, viz., that the framers of the Permanent Settlement Regulation started on a wrong basis in that the rates prevailing in fasli 1210 were adopted as the basis, I have shown that it is not the case and that the average of the rates of last two or three preceding years were taken as the basis and that the whole thing was done on that basis; that pattas were introduced and that the amount due was entered there. These pattas were not mere ordinary memoranda. But here the patta that was given is a document which is as good and as sacred as the Permanent Sanad which was given to the zamindar. It was said that the words 'unalterable' and 'permanent' occurred in the sanad and it was asked why such expressions were not used in the pattas also. I would submit, Sir, they were used in another form. The reason for their being used in another form was the fact that there was yet waste land remaining to be brought under cultivation after the fixing of the permanent rates of rent. Whereas the lands that had already been under cultivation prior to the Permanent Settlement could have been, and had been, brought under the Permanent Settlement, the waste lands that had yet to be brought under cultivation after the Permanent Settlement could not have been included in the Permanent Settlement and that was why these words were not used in the pattas that were given to the ryots. This point is made clearer still in section 9 of Patta Regulation relating to disputes in regard to rent. According to that section the only thing a Judge has to do is to call for the records of 1801, i.e., fasli year 1210 and see what the amount that has been fixed according to Permanent Settlement is. He must also see that it is the defined rent and not any other thing which the landholder may have acquired under cover of agreements, or in printed forms, or which might have come into force after the prices have risen.

5 p.m. "Then, Sir, something has been said about my hon. Friend, Mr. Rangaswami Ayyangar. My hon. Friend Sir K. V. Reddi was very much in love with Mr. Rangaswami Ayyangar and he (Sir K. V. Reddi Nayudu) quoted a paragraph from what Mr. Rangaswami Ayyangar has stated in his minute which has no bearing on the matter under discussion. He asked 'Are you honest; why don't you take Mr. Rangaswami Ayyangar's advice?' Sir, whether I am honest or not, it is a different matter. I shall only ask the Hon. Knight to take note of what Mr. Rangaswami Ayyangar said just above that paragraph. I have read this already, but the hon. Member perhaps did not hear it or did not read it."

DR. SIR K. V. REDDI NAYUDU:—"I did hear the Hon. Minister. Only I was in love with one part and the Hon. Minister was in love with another part of it."

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* THE HON. SRI T. PRAKASAM:—"I shall read this once again. I do not wish to bandy words with the great gentleman. Paragraph 4 runs as follows:—

'Coming to the question of what is a fair and equitable rent, i.e., revenue, we have seen that the zamindar who has got his peshkash fixed on the basis of the proportion and of the price level prevailing in 1802 cannot now complain if the same principle is now adopted in respect of the portion of the revenue to be retained by him. That is to say, the ryot is in justice and equity bound to pay not more than the share of the produce he was paying just before the Permanent Settlement commuted at the then prevailing rates of prices, on a calculation of which the peshkash had been fixed. This is the recommendation of the majority of us.'

On the other hand, the hon. Member, Mr. Narayanaswami Nayudu in the passage which I have already read to the House has left the things in a somewhat general way. He has said: 'If this is the thing that was settled at the time of the Permanent Settlement, I agree with the majority.' Again in another place he says, 'If this is the thing that was settled according to the Permanent Settlement, again I agree with the majority.' Only he has said it in the way which this other hon. Member of the Committee has written. Here he has put it in much stronger words than the majority of the Committee did. He tells the landholder: 'You landholder, you have been paying peshkash without any alteration until now; is not the ryot also entitled to say that his portion also should not have been enhanced?' He lays down the whole thing, but only he wanders into another street altogether and says that Government rates should be adopted. Here again, Sir, I must request the attention of hon. Members to the exact position. The hon. Member says:

'This mode of settling rents may be said to be correct from a purely theoretical point of view and the zamindars may not possibly raise the objection that any rights created under the Permanent Settlement are sought to be altered. But from a practical point of view, several difficulties are bound to occur. In working out the aforesaid principle the difficulties of the settlement officer will be great and numerous; the method of settlement new and familiar. A wide exercise of his discretion is inevitable much to the prejudice of the ignorant and poor ryot who has no resources or materials to check the vagaries of the officer.'

This is the opinion of Mr. Rangaswami Ayyangar. But we are working a Government here. We are working with a system here. We are working with Government officers who are called experts. Can we go on the basis mentioned by the hon. Member and say that we cannot check the vagaries of the settlement officer? If this Bill should become law, we will have to appoint settlement officers and ask them to go into this question. Are we to call them inefficient men? Are we to throw away the whole thing and agree with the hon. Member because according to him there may not be gentlemen who will carry out the settlement operations honourably and honestly? We should not abandon it. That is the sort of reasoning of the hon. Member, Mr. Rangaswami Ayyangar. Then all of a sudden he becomes an extremist of extremists and says that he is against the Permanent Settlement altogether and that it must

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go root and branch and that they must have a universal basis upon which the ryots of the Government land, the ryots in the zamindari and the ryots of Malabar—all these people could be put on a proper basis. Only the hon. Member had no idea of the Malabar land tenure. He was imagining and dreaming that he could produce a universal basis for adoption with regard to the whole ryot population of the Madras Presidency. Sir, Malabar tenancy is different and is to be dealt with in a different way altogether. That should be investigated separately and legislation should be undertaken separately.

"Mr. President, I suppose you won't mind if I go on for some time more. I should like to finish the thing to-day."

MR. PRESIDENT:—"If the Hon. Minister will take a long time, we shall adjourn now and continue the discussion to-morrow."

* THE HON. SRI T. PRAKASAM:—"I would like to finish the discussion this evening before we adjourn."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"This evening' has a wide meaning."

MR. PRESIDENT:—"The Chair knows it."

* THE HON. SRI T. PRAKASAM:—"I know that hon. Members are put to much inconvenience. I am very sorry and I give my apologies to them."

"Now, I will come to the question of the adoption of the Government rates. What is the common basis between the Government rates and the Permanent Settlement rates? Permanent Settlement is an agreement which has been declared to be sacrosanct by the British Government, and although they were handing over the charge of the land to the Provincial Government they put some clause there and hon. Members who were in the Government then knew all about that clause. That clause says 'although we have transferred all the power to the Provincial Government and they have got every right to deal with the land, yet let us reserve some right so that they would not go away without telling us.' Now to tack on the Government rate and the Permanent Settlement rates which we are demanding now as just and proper rates, is it fair and proper? What is the reason for this suggestion given by hon. Members, Messrs. Rangaswami Ayyangar, Narayanaswami Nayudu and Mahboob Ali Baig:—"Witnesses have demanded this.' Who are these witnesses and what is it that they have deposed before the Committee which has been called upon to investigate the whole matter and place the whole truth before the Legislature and the Government? What could they have spoken to? Could they have spoken to what was done in 1802 or in 1865? Could they all have spoken to what happened even at the time of the Estates Land Act? They were oppressed. They knew only the oppression. They knew the measure of the oppression by the volume

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of the oppression to which they had been subjected. What did they actually say? Hon. Members of the Committee who have appended dissenting minutes must certainly refer to the evidence. Witnesses have stated that this half-gross share basis was a very serious matter and that they could not bear it. They asked that the share might be fixed at one-sixth or one-fifth or one-fourth and some witnesses stated that they were in a wilderness and asked that they might be given at least the Government rates. I have made an analysis of the evidence which I would like to place before hon. Members."

MR. J. A. SALDANHA:—"Mr. President, how long are we going to continue? We are all very tired."

MR. PRESIDENT:—"We will close very soon."

* THE HON. SRI T. PRAKASAM:—"The Committee examined in all 358 witnesses. Out of them only 83 witnesses specifically mentioned the rates which they would like to have in preference to the existing rates. Witnesses who asked for the neighbouring Government rates with qualifications like 'at least' or 'as there is no other go,' numbered 49. Number of witnesses who asked for rates lower than the neighbouring Government rates was 8. Number of witnesses who wanted one-sixth gross produce after deducting expenses, etc., was 11. Number of witnesses who asked for one-fifth gross produce was 2. Witnesses who asked for one-fourth gross produce were 4. Number of witnesses who asked for half net rate was 2. Witnesses who asked that the zamindari system should be abolished totally were 5. Number of witnesses who asked for the abolition of the zamindari system or as a mild prayer asked for Government rates was 3. One witness asked for a reduction of the existing rates by half. I have more details to give. But the hon. Member Mr. Saldanha is already impatient. I have given the details and shown that the position taken by the hon. Members is not supported by the evidence. It is not fair in an enquiry like this just to take a technical view of it and say that a particular witness asked only for Government rates. Are we not charged with the duty of examining the position of the Government ryots and comparing it with the position of the zamindari ryots and the position of other ryots such as those in Malabar who have not come anywhere in this enquiry? Are we not to do justice in this matter? Are we to look upon the thing as a case in the Sub-Court of Ramnad or on the Original Side of the High Court and say that issues have been joined and complaints have been filed and that we must keep to the issue and let in evidence only on the issues? Even here we have kept to the issues and confined ourselves to the terms of reference given to us by the Legislature. We have done everything possible and it is extremely strange—I cannot believe it—that a plea should be raised now that Government rates should be adopted. I put this question to hon. Members: supposing the Government rates are higher, what is the position?"

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SRI B. NARAYANASWAMI NAYUDU :—“ If the zamindari rates are low, they should not be raised.”

* THE HON. SRI T. PRAKASAM :—“ In another enquiry of Mr. Narayanaswami Nayudu it could be done. Not until then; not in this matter. What will be the position then? I will put the question to hon. Members in this form: Here is the peshkash that has been paid from 1802 until now as two-thirds of the land revenue. Suppose it is proposed by the Government to-day to take this line. Mr. Ahmed Meeran very vehemently argued that the landholders had been paying only a paltry sum to the Government all these years and had been robbing the Government of its proper dues. Suppose we take him at his word and tell the zamindars that we want to add something more to the peshkash which the zamindars have been paying from 1802 till now. What would the landholders do? The landholders would rush with a memorial to the Governor, to the Viceroy and to the Secretary of State, Lord Zetland, and say, ‘ Look at the Permanent Settlement and the solemn pledge you have given that the peshkash will not be altered, and look at these people here who are asking me to pay so much more. Is it not expropriation?’ What would Mr. Rangaswami Ayyangar say to that? What would other hon. Members who want that the Government rates should be introduced say to that? How can it be possible when we are dealing with Permanent Settlement? We have tried our best to keep within the limits; we do not wish to go out of the way when we are shown the limits within which we should move. So the Government rates cannot be brought into the bargain here. And what are the Government rates? They may be increased to-morrow; they may be higher than the Permanent Settlement rates that are being discussed now. If Government rates are introduced and if the zamindars are asked to pay a proportionately higher peshkash, the whole thing would go to pieces in one minute. There need have been no committee, no enquiry and no report. There was a motion by the hon. the Raja of Mirzapuram in the committee to the effect that this report should be kept secret and confidential and that it should not be published until further instructions. It is an utterly irreconcilable position to take to say that Government rates should be introduced here also. One hon. Member said that there was a ‘ ruse ’ to introduce the Soviet system. I ask, Sir, this plea is a ruse for what? To talk of introducing Government rates after making an enquiry for one year and six months and making a report to the Legislature! Another suggestion is to appoint a committee of judges, retired judges, to study the report and make their recommendations. Probably the hon. Member Mr. Saldanha will be willing to be the President of the committee when it is constituted. I do not mind that. But what are all these suggestions? ”

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“ I do not mind these amendments; what are all these amendments for? These are indirect methods of saying, veto the report,

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let this report be shelved, and let us reform the whole land-revenue policy of the Government, the ryotwari system, the zamindari system and the Malabar system all put together; until that time, we should leave this. That was the argument that was put forward. I wish to say a few words with regard to the amendments moved by Mr. Narayanaswami Nayudu and Mr. Saldanha. I have already said enough about the Committee that was proposed to be appointed.

“ About the amendment of the hon. Member, Mr. Narayanaswami Nayudu, with regard to inams, I must state the position here clearly. Hon. Members who take a different view, do not understand the reasons given by the majority for separating inams from zamindari areas and for not including that subject in this report. We know what happened with regard to the protection intended to be given to all parties under the Rent Recovery Act on account of clubbing irreconcilable interests under one definition; therefore the majority report wanted to avoid those difficulties. We examined the whole question of inams and we came to the conclusion that they should be dealt with by a separate legislation. It was not the desire of the Committee to anticipate and decide the question of the rights of the ryots in inam areas. In this connexion I must refer again to the Permanent Settlement Regulations. At the time of the Permanent Settlement in 1802, the zamindari area was marked out. The method of ascertaining the zamindari area was also given in the sections of the Permanent Settlement Regulation; these inams were excluded as lakhiraj lands. Government lands were separated. For lakhiraj lands, they passed another Regulation, Regulation XXXI of 1802. A special law as to the basis of title was passed; Regulation XXXI of 1802 was followed by Regulation IV of 1831, and Act XXXI of 1836. All these Regulations dealing with the jurisdiction with regard to inams were passed to remove all doubts and disputes about inams. In Regulation XXXI of 1802 it is stated the Governor in Council should be the only authority to decide all questions that relate to the competence of officers who are called upon to settle these inam titles. Thirty years later, in 1831, Regulation IV of 1831 was passed which extended the restriction to matters of dispute between man and man, inamdar and any other person. Five years later, Act XXXI of 1836 extended the same restrictions. Inam Act IV of 1862 was passed to settle the titles. Titles were promised to be settled under Regulation XXXI of 1802; the Inam Commissioner took a long time to attend to these matters; the Inam Commissioner had to go and enquire into the whole matter and settle the titles. After he settled the titles, the Inam Act IV of 1862 was passed confirming the titles conferred by the Inam Commission. In 1866 doubts were created. Other Regulations were passed to remove these doubts just like Regulations of 1822 explained the meaning of Regulations XXV and XXX of 1802.

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"We have no quarrel or difference at all with reference to these matters. The majority report does not say that the rights of the ryots should be taken away; their rights have been settled already. In some cases it was stated that the rights of the inamdar were against the rights of the ryots. Inam Act VIII of 1869 was passed in order to clear the doubts. Let it not be supposed that by the confirmation of titles by the Inam Commissioner after his investigation and the passing of the Regulation, the rights of the ryots had been taken away. After all these Acts and Regulations had been passed, in 1871 Act XXIII of 1871 was passed. I will have to take much of the time of the House if I were to take hon. Members of this House into those sections which deal with the jurisdiction of the courts, the jurisdiction of Governor-General in Council and the Provincial Government. The Government of India had jurisdiction with regard to inams in their own areas. All the things were merged and the Government of India Act was passed. When that Government of India Act was still in force, the Estates Land Act of 1908 was passed, including whole inam villages under the definition of 'estate.' It made it impossible to declare that the ryots were conferred occupancy rights. We looked into all those matters; we came across the Government of India Act of 1871. We examined also the Estates Land Act of 1908 and the Amending Act of 1936. The jurisdiction of Civil Courts is retained in the Government of India Act with regard to certain inams. The Estates Land Act does not refer to the Civil Courts' jurisdiction ordinarily. When the Estates Land Act was passed, no attempt was made to repeal all these Regulations and the Government of India Act. Then a law was enacted for the inamdars separately. Thus hon. Members can see a vista of the various questions relating to both parties. How can we mix up these things? It is an impossible task. We have therefore recommended that legislation with regard to inams should be undertaken separately.

"Sir, I wish to reply to the hon. Member Mr. Narayanaswami Nayudu who feels much in this matter. I wish to ask him, what is it that was done by the Estates Land Act of 1908 and the Amending Act of 1936 with regard to inams? There was some misapprehension in the minds of people that whole inam villages were held by a very small number of people, scattered here and there throughout the Presidency. Small inams were dealt with like big estates. All these points have to be looked into and the rights of the inam ryots have to be declared separately. I wish to inform Mr. Narayanaswami Nayudu that we have to extend time to enable the contending parties, the inamdars and the ryots, to establish their kudivaram rights. A special tribunal was appointed before the appointment of this Committee, to go into these matters, to enable parties to adduce evidence, and to settle the matter. Unless this is settled, nothing can be done; no Act is in force to-day. Unless and until the special tribunal goes into the question and decides it,

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nothing can be said to be in force. We shall do our best to expedite the matter, so far as the ryots in the inam areas are concerned. It is the duty of the Government to look into the interests of all parties. When the Committee has been devoting so much time with regard to the ryots in the zamindari area, there is absolutely no reason to fear that the other question would not be taken up as early as possible. It would be clear from what I have stated that many things have been mixed up with regard to inams.

"By way of closing my remarks, I wish to thank hon. Members once again. At the same time I must ask hon. Members who have taken the opposite view with regard to certain matters, to revise their opinions. Let them not attribute motives and let them not question the honest motives of the authors of the majority report. Honesty is of different kinds; there is what is called intellectual honesty. What is intellectual honesty? What is intellectual dishonesty? A comment was made once in one of the Law Journals that a Judge of the High Court was guilty of intellectual dishonesty in pronouncing certain judgment. There was considerable trouble over it. What was meant by intellectual dishonesty? When the decision of the Judge was examined it was found that the conclusions were absurd and perverse. Judges realized that there was freedom for publicists to express their opinions. Similarly, freedom given to hon. Members of this House is rather vast. (Sri B. Narayanaswami Nayudu:—'Curtail it.') The hon. Member says 'curtail it.' It will be curtailed when the Interim Ministry comes into office again, and not by this Ministry. Honesty has been referred to side by side with communism. To show that there was no communism in the report and that it is a pure piece of justice that has been denied to millions, all these facts have been placed before hon. Members of the House. Chapters, verses and plain and simple facts have been placed before hon. Members of the House. They have to read them, to understand them and to interpret them in a just and proper manner. The hon. Member, Mr. Narayanaswami Nayudu, said 'curtail the freedom.' If I had wished to do so, I would have risen and objected to the expressions used then and there. I know it will not touch anybody here. This Government is not one that will be touched by such expressions.

"So, it is for the hon. Members who exceeded their limits to examine the facts and figures now and to revise their opinion and do justice to the people who have suffered. If, instead of that, there is to be an honest opinion on the facts and on the law and on the constitution, they are quite free to hold it. There are people who hold such opinion, and there are also people who grow very violent, especially when they see that there is no mistake on the other side and when the mistake is on their own side. So, I appeal to hon. Members to see that truth and justice prevail.

"Then, Sir, what is this communism about? Where has the hon. Member smelt it? For what purpose has he introduced it into

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the debate at the last moment? During the last two or three days, the Presidential election has taken place in the Congress, and Babu Subhash Chandra Bose has succeeded and defeated his rival. (The Hon. Sri C. Rajagopalachariar: 'Leave it.') The Hon. the Prime Minister says that I should leave it. But how could that be left on the floor of the House, when an hon. Member of this House who occupied high places in the past and acted as a Governor of this Presidency for some time, gets up and mentions this word 'communism'? Where did he get it? Wherefrom did communism come? He introduced communism and attempted to show that all this is an effort now to introduce Stalin's methods here into this country. There must be some honesty with regard to this matter. I ask the Members of this House to examine these things from the beginning until now and to see whether it is not a bare rule of three that has been asked to be applied here, whether there is anything by way of one rupee addition claimed by the ryot or one rupee deduction from the amount that is due to the zamindar. If it is not so, why introduce this communism business? The hon. Member said in the course of the discussion, 'You have not done what we did during our Interim Ministry period.' I do not wish to say anything about the Interim Ministry period. Interim Ministry was a Ministry which had no Legislature to back it up; Interim Ministry wanted to anticipate the coming Government—God only knew whether that Government was coming or not. Interim Ministry appointed a Committee which made recommendations. 'Go to 1894 rates, cancel all the enhancements, all the resettlement enhancements, and then fix it permanently.' Who will fix it? If the Ministry could fix it, they would have done it before they vacated. That had to be done under an Act of the Legislature. Where was the Legislature for the Interim Ministry? To think that he should have referred to that incident and that he should have introduced communism again here, as if we would be frightened by communism! What is this communism? There can be no communism in India so long as that one man and his creed are there before the people of this country, so long as his non-violence has been accepted by Subhash Chandra Bose or by a greater extremist than Subhash Chandra Bose. Your Stalin methods cannot come, your Lenin methods cannot come here; your red cannot come here, you cannot see anything red in any of these matters. He ought not to grow eloquent over the 'communism' business at this stage of life and at this stage of the constitutional developments. Constitutional developments will come and constitutional developments will go; the Government here will work and do according to their best lights, without being detracted into anything on this side or that side by slogans of communism or reddism or bolshevism that may be uttered here."

MR. PRESIDENT:—"Now, all the different amendments will be placed before the House, unless the hon. Members who have

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moved those amendments withdraw them. Are the hon. Members prepared to withdraw their amendments?" (Hon. Members: 'No.')

MR. J. A. SALDANHA:—"By no means; I am not convinced by the Hon. Minister's speech at all." (Laughter.)

MR. PRESIDENT:—"The question is that the following amendment be adopted:—

'That on such consideration this Council recommends to the Government that a Committee composed of the members mentioned below be nominated by Government to report their views within three months on the recommendations of the Madras Estates Land Act Committee in their report—

- (a) Two representatives of the zamindari class;
- (b) two representatives of the zamindari ryots;
- (c) two representatives of the latter's under-tenants;
- (d) two representatives of the general population of the Province, with a gentleman of judicial qualification and experience to preside and a Secretary to take down the proceedings.'"

The amendment was put and lost.

MR. PRESIDENT:—"The question is that the following amendment be adopted:—

'That on such consideration this Council recommends as follows:—

"That all the zamindari areas be compulsorily surveyed and settled on principles analogous to and identical with those under which ryotwari areas have been settled, and the rates fixed for ever and that on such settlement the ryots should be declared to be the owners of their holdings subject to the payment of the rates of rents so fixed. Where, however, the rates existing are lower than those that may be levied under the settlement recommended, the said rates should be confirmed and fixed for ever.'"

The amendment was put and lost.

MR. PRESIDENT:—"The question is that the following amendment be adopted:—

'That on such consideration this Council refuses to give its assent to the recommendations that ryots should be declared to have proprietary right to the soil in all forests and recommends that in all zamindari villages commanding forest areas, the zamindars should be compelled to set apart grazing areas for the use of the villages and suitable rules and powers be given to the Government for enforcing such provisions and the provision with regard to taking green leaves for manure and cutting woods for domestic and agricultural purposes.'"

The amendment was put and lost.

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MR. PRESIDENT:—"The question is that the following amendment be adopted:—

'That on such consideration this House recommends that agraaharam villages, pre-settlement or otherwise, should be placed exactly on the same footing as zamindari villages and the ryots of the said villages are in the same footing as the ryots in the zamindari areas and the recommendation of the majority Committee report in regard to inams should not be accepted or acted upon as the same are reactionary, contrary to the just and established rights of the ryots in the said villages.' "

The amendment was put and lost.

MR. PRESIDENT:—"The question is that the following amendment be adopted:—

'That on such consideration, this House recommends to the Government to bring in legislation at an early date on the general basis of the majority recommendations of the Madras Estates Land Act Enquiry Committee.' "

The amendment was put and carried.

MR. PRESIDENT:—"The question is that the main motion of the Hon. Sri T. Prakasam, amended as follows by the amendment of Sri V. V. Joggayya Pantulu, be adopted:—

'That the Report of the Madras Estates Land Act Committee be taken into consideration and that on such consideration, this House recommends to the Government to bring in legislation at an early date on the general basis of the majority recommendations of the Madras Estates Land Act Enquiry Committee.' "

The motion as amended was put and carried.

MR. PRESIDENT:—"The House will now adjourn and meet again on Monday, the 20th February 1939, at 5-30 p.m. in the Banqueting Hall, when the Budget for 1939-40 will be presented."

