

MADRAS RECORD OFFICE



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MADRAS LEGISLATIVE COUNCIL DEBATES

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

Volume IX (Nos. 1 to 3).

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ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

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

Name of member.	Name and class of constituency.
28 Ramalinga Reddi, Dr. C.	NOMINATED.
29 Raman, Rao Bahadur M.	NOMINATED.
30 Ramanathan Chettiyar, S. A. S. Rm.	Tanjore, General.
31 Rangaswami Ayyangar, A.	Ramnad, General.
32 Ranganathan, Diwan Bahadur S. E.	Indian Christian.
33 Saldanha, Jerome 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 Sivasubramania Ayyar, K. S.	Tanjore, General.
38 Srinivasa Ayyangar, K. V.	Trichinopoly, General.
39 Srinivasa Ayyangar, T. U.	Ramnad, General.
40 Srinivasan, Diwan Bahadur R.	NOMINATED.
41 Srinivasa Sastri, P.C., C.H., The Right Honourable V. S.	NOMINATED.
42 Sriramamurti, D.	East Godavari, General.
43 Subba Raju, Nadimpalli ..	East Godavari, General.
44 Subbarama Reddi, L. ..	Nellore, General.
45 Subba Rao, L.	East Godavari, General.
46 Thomas, Dr. P. J. ..	NOMINATED.
47 Usman, K.C.I.E., Khan Bahadur Sir Mahomed.	NOMINATED.
48 Vasanta Rao, V.	Cuddapah, General.
49 Veerabhadraswami, P. ..	Vizagapatam, General.
50 Venkatachalamaji, N. ..	Vizagapatam, General.
51 Venkata Jogayya Pantulu, V.	Vizagapatam, General.
52 Venkatapunnayya, V. ..	Guntur, General.
53 Venkata Reddi Nayudu, K.C.I.E., D. Litt., Dr. Sir Kurma.	NOMINATED.
54 Venkataswami Nayudu, K. (Deputy President).	Madras City, General.
55 Vacant.	

PERSONNEL OF THE GOVERNMENT OF MADRAS

GOVERNOR OF MADRAS.

HIS EXCELLENCY LORD ERSKINE. G.C.I.E.

Members of the Council of Ministers.

- 1 THE HON. SRI C. RAJAGOPALACHARIAR, Prime Minister, in charge of the Public and Finance Departments.
- 2 THE HON. SRI T. PRAKASAM, Minister in charge of the Revenue Department.
- 3 THE HON. MR. YAKUB HASAN, Minister in charge of the Public Works Department.
- 4 THE HON. DR. P. SUBBARAYAN, Minister in charge of the Law Department.
- 5 THE HON. DR. T. S. S. RAJAN, Minister in charge of the Public Health Department.
- 6 THE HON. SRI V. I. MUNISWAMI PILLAI, Minister in charge of the Agriculture and Rural Development Department.
- 7 THE HON. SRI V. V. GIRI, Minister in charge of the Industries and Labour Department.
- 8 THE HON. SRI S. RAMANATHAN, Minister in charge of Administration Reports and the Public Information Department.
- 9 THE HON. SRI B. GOPALA REDDI, Minister in charge of the Local Administration Department.
- 10 THE HON. SRI C. J. VARKEY, Minister in charge of the Education Department.

THE MADRAS LEGISLATIVE COUNCIL.

PRINCIPAL OFFICERS.

President.

THE HON. DR. U. RAMA RAO.

Deputy President.

SRI K. VENKATASWAMI NAYUDU.

Panel of Chairmen.

- 1 SRI RAO BAHADUR M. RAMAKRISHNA REDDI.
- 2 „ DIWAN BAHADUR S. E. RANGANATHAN.
- 3 „ T. A. RAMALINGAM CHETTIYAR.
- 4 „ B. BHEEMA RAO.

Secretary to the Council.

SRI D. K. V. RAGHAVA VARMA, B.A., B.L.

THE MADRAS LEGISLATIVE COUNCIL

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

Monday, 7th August, 1939.

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

I.—CONDOLENCE RESOLUTION *RE* THE DEATH OF SRI R. SRINIVASA AYYANGAR.

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

‘ that an expression of the profound regret of this Council at the death of Sri R. Srinivasa Ayyangar and of sympathy with his bereaved family be placed on record and conveyed to them.’

“ Sir, in making this motion, it is my duty to record the valuable services which the late Mr. Srinivasa Ayyangar rendered to this House, to the country and to the party to which he belonged. Mr. R. Srinivasa Ayyangar had been connected with various public movements ever since he became a lawyer of some distinction. He was born in November 1872 at Tirukkoyilur in the South Arcot district and he received his education in Cuddalore and Kumbakonam. He joined the Cuddalore bar in February 1899 as a first-grade pleader and thereafter he enjoyed an extensive practice. He was connected with the Cuddalore Municipal Council from the year 1906 and he held his membership till the year 1919. He was nominated to the taluk board for two terms in 1912 and 1918 and he was also a nominated member of the South Arcot District Board for a long time prior to 1919. He was a member of the Devasthanam Committee for several years and was President of the South Arcot District Banking Union. Prior to 1923 he was President of the Bar Association, Cuddalore. Till very recently he was a non-official visitor to the district jails for over four years. He was a member of the Senate of the Madras and Annamalai Universities. He was elected a member of the first, second and third Legislative Council, representing the South Arcot rural constituency after the introduction of the Montagu Reforms. He was also President of the Swarajya Party and was Deputy Leader of the

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 AYYANGAR

[Dr. T. S. S. Rajan] [7th August 1939]

Council Swarajya Party and resigned his seat in the Legislative Council as a result of the resolution passed at the Lahore Congress.

"This is a short summary indicating the various activities of the late Sri R. Srinivasa Ayyangar. He was fairly advanced in years, as Indians would call it, but he kept his youth right through his career; and those of us who have been his colleagues in this Council would bear testimony to the fact that he was one of our active members and he practically took part in every debate and contributed his rich experience and his talent in the field of law. It is unfortunate that we should lose him. Although he showed no indication of his failing health in the course of the last two years, the cruel hand of Death took him away rather suddenly from our midst and the world is all the poorer for his death. We convey our condolences to the members of the bereaved family."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I beg to associate myself with the sentiments expressed by the Hon. the Leader of the House. My acquaintance with Mr. Srinivasa Ayyangar began some two decades ago. Though we belonged to opposite political parties, still our personal relationship had always been cordial and he never allowed his political views to interfere with our personal relationship. Even at the time of the last meeting, he was very healthy and jovial and nobody thought that the cruel hand of Death would take him so soon. I join the Hon. the Leader of the House in requesting you to convey our sincere regret to the members of the bereaved family."

* KHAN BAHADUR SIR MAHOMED USMAN SAHIB BAHADUR:—"Mr. President, I beg to support the resolution moved by the Hon. the Leader of the House. As has been said by him Mr. Srinivasa Ayyangar has not only been a very useful and active member of this Council but had also been a very useful and active member of the old Legislative Council under the Montagu Chelmsford Reforms for ten years. Both in this Council and also in the old Council he took very great interest and contributed greatly in solving some of the intricate problems. This House has lost a very useful member and the country a great patriot. I join the Leader of the House in conveying to the bereaved family our sincere feelings of regret."

DR. SIR K. V. REDDI NAYUDU:—"Sir, on behalf of the little group which I represent and on my own behalf I beg to associate myself with the sentiments that have been expressed on the condolence resolution. I have known Mr. Srinivasa Ayyangar for a number of years. He served in the Legislative Council under the Montagu Reforms for a number of years.

CONDOLENCE RESOLUTION *re* THE DEATH OF SRI R. SRINIVASA
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7th August 1939] [Dr. Sir K. V. Reddi Nayudu.]

One thing that must have attracted the attention of those that were in that Council was this: that whenever he spoke, or even when he was not speaking, there was always a gentle and pleasant smile on his face which made anybody feel that he had a friend in him. His loss to this Council is very great indeed. We appreciate this resolution; though this is common in many cases, almost in every case, still in the present case, there is a touch of personal feeling of sorrow for the loss of this good man."

MR. PRESIDENT:—"I desire to associate myself with the sentiments expressed by the members of this House. We were colleagues in the old Council for a full term. He was a straightforward, patriotic and honest member of the House. Though there were very few members at that time in the Council who belonged to the Congress Swarajya party, he continued as a member of the Swarajya party for two or three years; and when the Congress asked him to resign his seat, he resigned it with pleasure. He was considered to be a very good lawyer on the criminal side and his knowledge was deep, exact and precise. His death is a great loss to the country and to the party to which he belonged."

"With these few words I would ask hon. Members of the House to pass the resolution standing."

The resolution was passed, the whole House standing.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

The Madras Government 3 per cent Loan, 1959.

* 1 Q.—DR. SIR K. V. REDDI NAYUDU: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that the recent issue of the Madras Provincial loan was underwritten; if so, who are the underwriters and what is the amount underwritten by each such underwriter;

(b) what is the underwriting commission agreed to be given;

(c) how much of the loan were the underwriters called upon to take up;

(d) what is the total amount for which applications were received;

(e) out of the applications received from the public, what is the amount applied for through the underwriters and what is the amount for which applications were received directly from the public; and

(f) whether the Reserve Bank advised the Madras Government that it would not be advisable to issue a 20-year loan simultaneously?

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THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) to (e) In accordance with the general practice by which loans raised by Provincial Governments in India are underwritten, the 3 per cent Madras loan, 1959, issued on the 21st June 1939 was underwritten under a scheme of underwriting prepared by the Reserve Bank. The list of underwriters includes leading banks and stock brokers in India, but as the underwriting arrangements are confidential the Government are unable to give any further details in answer to clauses (a) to (e) of the question.

“(f) The answer is in the negative. The terms of the loan were settled in consultation with the Reserve Bank and in accordance with its advice.”

SRI B. BHEEMA RAO:—“Are the Government aware of the fact that certain sections of the Press are publishing statements that Government are borrowing loans for normal administration?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I am aware of these ignorant campaigns. The House is, however, aware that this loan as well as the previous loans have been borrowed exclusively for what are called remunerative purposes, that is, for capital expenditure on which there is a return to the Government and to serve as bankers to the agriculturists and other local bodies who have to borrow from us and from whom also on the loans given to them the Government derive revenue. So there is no truth whatsoever in the statements published in the Press or in the insinuations that ordinary normal expenditure has anything to do with these loans. We are not only borrowing but are also adding from other resources in order to add to the remunerative capital expenditure. For instance in 1938-39 we borrowed 1½ crores but added 51 lakhs from other resources for the same remunerative purposes. In 1939-40, to the present loan we intend to add 63 odd lakhs for the same remunerative purposes.”

SRI K. VENKATASWAMI NAYUDU:—“Is it not the fact that this is not the first time that the Government are raising a loan?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“That also Sir, is due to the ignorance of the previous practice. Before this present Government took up office, for many years continuously loans were taken by the Government. But in those days loans were taken from the Central Government's Provincial Loan Fund and not in the public market. Now we are bound to raise loans in the public market. As a matter of fact, before we took up office loans taken previously amounted to more than 15 crores.”

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SRI K. MADHAVA MENON:—“Are the Government aware, Sir, that adverse comments are made on the financial policy of the Government on the ground that this loan was not over-subscribed as the two previous loans of the Government and that the underwriters were asked to subscribe 50 per cent of the loan as the public subscriptions amounted only to 50 per cent of the issue?”

SRI B. NARAYANASWAMI NAYUDU:—“That has not been contradicted.”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Should we contradict it?”

SRI B. NARAYANASWAMI NAYUDU:—“If you care.”

THE HON. SRI C. RAJAGOPALACHARIAR:—“That too is based, if not on ignorance of facts as in the other case, on ignorance of the present situation in the world. At the time we floated this loan, the international position was going, as hon. Members are aware, through a particularly severe crisis. It was just at that moment that both Tienstin and Danzig came in and according to the opinion of international financial houses that situation upset the position with regard to finance generally in this world. As a matter of fact, I may mention that this Government are entitled to congratulation from the House as well as others in regard to the manner in which we successfully floated this loan in spite of that situation which suddenly cropped up. Just at the same time, the London County Council raised a loan and it would be interesting to hon. Members to know that the London County Council loan of 7½ million pounds at the end of June with a rate of interest of 3½ per cent. with an issue price of £96½ per cent—that is to say, less than ours—and payable at par in 1954-59—with a currency of 15 to 20 years—was, according to Press reports, subscribed only 6½ per cent by the public and the underwriters were left with 93½ per cent. We are not worse off than the London County Council, anyway. Then, Sir, the Australian Government raised a loan of six million pounds in June with a nominal rate of interest of 4 per cent, at an issue price of 98½ per cent just like ours. According to Press reports, 20 per cent of this loan was subscribed at the public issue and the balance of 80 per cent had to be taken up by the underwriters. That was the position, Sir, with regard to many loans floated in the market during the crisis. And ignorant comments can of course be made by newspapers for the benefit of ignorant readers. It is not possible for us to contradict them, because it is a very delicate thing to give the amounts taken by the underwriters, because they are confidential. The issue price has necessarily to be fixed

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upon receiving tenders from underwriters and on the advice of the Reserve Bank. Therefore these particular facts cannot reasonably be placed before the House. I have, as far as possible, stated the general position."

DR. SRI K. V. REDDI NAYUDU:—"May I ask wherefrom these figures with regard to the loans floated in England and Australia were obtained? Were they from the newspapers?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Yes, Sir from financial newspapers which are in a position to give information."

DR. SRI K. V. REDDI NAYUDU:—"Does it not therefore show that those countries had no objection to give their loan figures to the public?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Those countries would certainly not give the details as to the amounts taken by the underwriters. What I have given is only the rough estimate made by the financial newspapers."

SRI N. R. SAMIAPPA MUDALIYAR:—"May I ask whether it is not a fact that the Government of India and the Government of the Central Provinces and Berar floated loans at the same time and their loans were fully subscribed?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The Central Provinces loan was for a much smaller amount and for a limited purpose. They fixed the period at ten years in view of the particular objects for which they raised the loan. The same Reserve Bank which advised the Central Provinces said that the purposes for which our loan was intended to be raised were different and therefore our loan should have a longer period. There was therefore a difference in the periods of the two loans and there was a difference in the amounts also and the objects for which they were raised. We wanted the loan for a longstanding purpose and we thought it would be unfair to distribute the interest burden over a few years only. We were advised that it would not be fair to throw the burden over the shoulders of the tax-payers for a few years and that the proper thing to do was to spread it over some more years. We followed that advice and spread the burden over 20 years."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"Is it not a fact that the two previous loans floated by the Government were over-subscribed within a few hours?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It was so, Sir. We were then very lucky, but the world has become very unlucky lately."

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SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I ask what is the amount subscribed by the Government themselves?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Nil, Sir."

SRI B. NARAYANASWAMI NAYUDU:—"May I ask what the amount is for which applications were received directly from the public, and why the Government are not prepared to disclose that information?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It may be taken, Sir, since so much curiosity is shown in the matter, that it is fifty-fifty."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I ask with regard to the previous two loans whether any agreement was entered into with the underwriters as in this case?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"As I have already explained the hon. Member who has put the question knows the essential procedure of raising a loan in the public market. We have to fix the issue price for a face value of Rs. 100 with reference to the state of the market. It is the established practice of all people who have to raise loans under these conditions to get tenders as to how much well-known bankers are prepared to take. According to that procedure, underwriters were consulted confidentially by the Reserve Bank and the issue price was fixed upon their offers. It was in the same manner that the issue price was fixed for the last year's loan. For this loan also as for the last year's loan the underwriters had agreed. Only on the two previous occasions the loans were over-subscribed, but on account of the international situation 50 per cent of the last loan was taken up by the underwriters according to the agreement which is binding upon them."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I ask whether the Hon. the Premier is aware that while the selling price of the two previous loans has not fallen, the selling price of the present loan has fallen and is less than its issue price?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am quite aware of it. All persons acquainted with the money market can understand it. The loan repayable in 1952 sells a few annas more than the loan which is repayable in 1959. Our loan stands on as good a footing, I may claim, as the loans of other Provinces and even of the Government of India. Our scrip redeemable early in 1952 is sold at Rs. 98-7-0, and the second loan stands at Rs. 99-2-0. The present

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loan stands at Rs. 98. This, Sir, considering the international situation is a very good certificate for the credit of the Province."

Scheme, if any, for the benefit of the tenants of ryotwari landlords.

* 2 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Revenue be pleased to refer to the answer given to my supplementary question to question No. 196 on 21st March 1939 and to state whether Government have framed any scheme for the amelioration of tenants of ryotwari landlords other than those in Malabar and South Kanara districts, and if so, what?

THE HON. SRI T. PRAKASAM:—"The answer is in the negative except that the scope of enquiry by the Malabar Tenancy Committee extends also to the Gudalur taluk of the Nilgiris district."

Capital cost of the thermal station at Vizagapatam and the cost of the Vizianagram Electricity Scheme.

* 3 Q.—SRI P. VEERABHADRASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the total capital cost of the thermal station at Vizagapatam up to 1st April 1939; and

(b) what amount the Government have spent for the Vizianagram Electricity Scheme in the year 1938-39 and what amount they propose to spend in this year?

THE HON. MR. YAKUB HASAN:—" (a) Rs. 17,72,287.

(b) Rs. 1,06,173 and Rs. 37,000 respectively."

Report on the fire havoc in Cinchona Plantations in Anamalais in March 1939.

* 4 Q.—MR. J. A. SALDANHA: With reference to the answer given to my question No. 217 on 25th March 1939, will the Hon. the Minister for Agriculture and Rural Development be pleased to place before the House—

(a) the report of the officer appointed to enquire into the extent and causes of the fire in the Cinchona Plantations in the Anamalai hills on 7th March 1939; and

(b) the Government views thereon?

THE HON. SRI V. I. MUNISWAMI PILLAI:—" (a) & (b) The Government do not consider it necessary to place the report on the table of the House. The findings of the Collector on the origin and cause of the fire are as follows:—

(i) the fire originated in the reserve forest and spread westwards and to the south of the forest road;

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(ii) the causes of the fire spreading into and through the Cinchona Plantations were the wind, the dryness of the trees and the undergrowth, and the fact that there was no clear felled area between the reserve and the Cinchona Plantations;

(iii) there is no reason to suspect incendiarism; the fire was possibly accidental; and

(iv) the allegation that men of the Forest Department started fires near Sawyers' lines on March 3rd and that these fires caused the fire in the Cinchona Plantation is unfounded.

"The Government have accepted these findings and issued necessary instructions regarding the measures to be taken for preventing such fires in future."

MR. J. A. SALDANHA:—"May I know why the Government think that the Collector's report should not be placed before the House?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"I have already mentioned the four points on which the Collector has arrived at his conclusions. It is not possible to publish the report alone, because there are many enclosures to it without which the report will not be intelligible."

MR. J. A. SALDANHA:—"May I know, Sir, who started the rumour that the men of the Forest Department started the fires?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"I cannot exactly say who started this rumour, but it may be some coolies near the plantations."

MR. J. A. SALDANHA:—"But who gave currency to that rumour? How did the Government come to know of it?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"The Government came to know of it first from the papers and later on from the report of the Director in charge of the Cinchona Plantations."

Grant of licences and levy of licence fees by Bellary Municipality in respect of encroachments.

* 5 Q.—SRI B. BHEEMA RAO: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Provincial Government suggested to the Bellary Municipality the granting of licences and the levy of licence fees in respect of encroachments; and

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(b) whether the Bellary Municipality has declined by means of a resolution to act in accordance with the suggestion of the Government and if so, what action the Government have taken in respect of the said resolution?

THE HON. SRI B. GOPALA REDDI:—“(a) The Bellary Municipal Council resolved to issue licences in respect of encroachments without levying any licence fee. The Government advised the Municipal Council to continue to levy licence fees.

“(b) The Municipal Council has declined to accept the advice and the further action to be taken in the matter is under the consideration of the Government.”

Proposal, if any, to place Taluk Educational Advisory Committee on a statutory basis.

* 6 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Education be pleased to state whether the Government propose to place the Taluk Educational Advisory Committees on a statutory basis?

THE HON. SRI C. J. VARKEY:—“There is no such proposal now.”

MR. J. A. SALDANHA:—“May I know, Sir, if these Committees are not placed on a statutory basis, what incentive there will be for the members of these committees to give any advice as their advice may not be taken into consideration at all?”

MR. PRESIDENT:—“It is not a supplementary question.”

Introduction of the Wardha scheme of education and the amount to be spent on it.

* 7 Q.—SRI P. VEERABHADRASWAMI: Will the Hon. the Minister for Education be pleased to state whether the Government have introduced the Wardha system of education in any school or schools this year and what amount they propose to spend this year for this system of education?

THE HON. SRI C. J. VARKEY:—“Two schools for training teachers on the Craft Basis system of education have been started in the Province; one is at Coimbatore opened by the Government, and the other is the Andhra Jatheeya Kalasali at Masulipatam, a private institution, recognized this year as a training school. Attached to those training schools there are two elementary schools run on the Craft Basis line of education. The Government propose to spend during this year a sum of about Rs. 6,000.”

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SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“May I know the number of candidates receiving training in those two schools?”

THE HON. SRI C. J. VARKEY:—“42 in Coimbatore and I presume 40 in Masulipatam.”

MR. J. A. SALDANHA:—“Is the grant of Rs. 6,000 adequate to enable the Government to expedite the necessary measures for carrying out this big scheme?”

THE HON. SRI C. J. VARKEY:—“A sum of Rs. 6,000 cannot go very far. We can make a start this year and increase the amount later on.”

III.—PANEL OF CHAIRMEN.

MR. PRESIDENT:—“I have to announce to the House that 11-30 under Rule 4 of the Madras Council Rules I have nominated the a.m. following four Members of the Council to be a panel of Chairmen for the fourth session of the Council:—

1. Sri Rao Bahadur M. Ramakrishna Reddi.
2. Sri Diwan Bahadur S. E. Ranganathan.
3. Sri T. A. Ramalingam Chettiyar.
4. Sri B. Bheema Rao.”

IV.—HOUSE COMMITTEE.

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

‘that under rule 143 of the Madras Council Rules, the House do proceed to elect six members to the House Committee according to the principle of proportional representation by means of the single transferable vote in accordance with the regulations made in this behalf by the President.’”

The motion was put and carried.

MR. PRESIDENT:—“I have to inform the House that, in accordance with the Regulations framed by me under Rule 143 of the Madras Council Rules for the holding of elections according to the principle of proportional representation by means of the single transferable vote, I fix 1 p.m. to-morrow (8th August) as the time within which nomination of candidates for election to the House Committee should reach the Secretary.

“If the number of candidates nominated exceeds the number of vacancies, namely, six, there will be an election between 2 and 3 p.m. on Wednesday, the 9th August.”

V.—THE MADRAS TEMPLE ENTRY AUTHORIZATION AND INDEMNITY BILL, 1939 (L.A. BILL No. 17 OF 1939), AS PASSED BY THE ASSEMBLY.

* THE HON. SRI C. RAJAGOPALACHARIAR:—“Mr. President, I move—

‘that the Bill to authorize and indemnify trustees, officers and other persons in respect of entry into and offer of

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worship in Hindu temples by certain classes of Hindus who by custom or usage are excluded from such entry and worship (L.A. Bill No. 17 of 1939), as passed by the Assembly, be taken into consideration at once.'

"I need hardly say, Sir, that the Bill is of great importance and I do hope that the House will give it its best consideration and pass it. The Bill has been thoroughly discussed in the Legislative Assembly and the discussions have been reported from time to time in the newspapers. The issues are well known, and some of them are very ancient issues and matters of longstanding public agitation. Opinions have been expressed from time to time on these issues for several years past. Certain momentous events took place in connexion with this same matter, in 1932 and 1933. Hon. Members are aware of the great fast undertaken by Mahatma Gandhi when he was in prison at Poona and that the Secretary of State for India issued the 'award' as it is called, a decision in respect of franchise to the classes of Hindus known as the scheduled classes. Thereupon the whole question was thrashed out. The public mind throughout the length and breadth of the land was agitated over the issues raised and all communities came to consider the matter as one of the great land-marks in the history of the progress of our country. An agreement was arrived at in a solemn form by the Hindu community, if I may say so, among its various divisions and the franchise arrangements were settled in accordance with that agreement and the Secretary of State expedited and issued orders by special arrangements. Part and parcel of that arrangement were certain political adjustments. Equally as a part of that same solemn agreement entered into by the Hindu community was a reform in respect of the religious and social status of the scheduled classes.

"The subject has been discussed from various points of view and I may well claim that it is now the unanimous opinion of thinkers on this subject that the reform in respect of the religious status is an essential part of the uplift movement of these classes. Unless religious status is put on a clear basis, social status has a tendency to remain just as it was; and unless social status is put on a clear basis of equality, political and economic status too have a tendency to lag behind, whatever people who do not attach the same amount of importance to religion as some of us might say. As a matter of fact, status depends on actual facts and not merely on theories; and the actual facts of social life, not only religious status, are matters that make a man equal or unequal, high or low. Equality of religious status cannot be secured to the extent it is wanted, unless equality can be secured between man and man. I am referring to equality in a relatively practical sense. It is necessary to secure that equality, to secure proper and equal facilities for worship in the public Hindu temples, for the scheduled classes.

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In view of this, the temple entry movement as it is called was vigorously taken up from the time that I referred to, namely, 1932. It is not as if the movement had not been there in India before. It has been there for years; it has been there for centuries, I may say. The history of the various denominations of Hinduism shows various attempts in this direction, to lift up classes who had been previously consigned to a low status, to lift them up to an equal or nearly equal position with other classes. It is from time immemorial that we see this movement in the history of Hinduism in our country with varying degrees of success, with varying degrees of permanency and achievement secured from time to time. But we need not go to the very ancient history of this subject. I say that this temple entry movement was vigorously pursued, taken up and carried on from 1933. Various attempts were made to educate public opinion, to elicit public opinion, and to organize public opinion. All these attempts have been made by enthusiasts and participated in by the public also.

"It has been stated very correctly that this is not to be identified with any particular party. This movement started surely too long ago to become the property or responsibility of any particular party. The agreement of 1932 that I referred to was not a party agreement; it was an agreement in which the entire Hindu community of all parties took part and took the responsibility and solemn pledges were given. I remind hon. Members here that Sir Tej Bahadur Sapru and many others like him took a very great part—it may be stated an even more active part than some of those who may be called Congressmen of those days. It is not to be identified with any particular party and it is impossible even in the nature of things that it can be so identified either truly or profitably. No success can be achieved, if it is identified with any particular party. As a matter of fact, success or no success, it is no part or a particular object of any particular party. Of course from time to time things have re-arranged themselves; particular parties take particular interest in particular questions at particular moments. In that way there have been kaleidoscopic changes in such matters. I know that in matters of social reform, the party known as the Liberal School of politicians took priority. At a later time when some social changes took an aggressive form and after they became somewhat less desirable in the opinion of certain parties, the Congress has had to carry on some social changes. The Congress has had to take up some changes which were sought after by the Liberal School of politicians. But these are merely kaleidoscopic re-arrangements in order to suit the particular time, circumstances and the varying parties of our politics. So far as this movement to give equal religious status to the Harijans along with other Hindus is concerned, it is very old. Surely the great Sankaracharya was not a Congressman; Ramanujacharya was not a Congressman; Vivekananda was not a Congressman; Dayananda

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Saraswati was not a Congressman. Thus it must be a fallacy to associate this reform with any particular school of politics; it is dangerous to do so. At the earliest stage of my arguments I must say that it is not correct to do so. It is a fallacy pure and simple, and we must put it aside.

“Taking now the merits of the matter, as I said already, the issues are very plain. It is not as if Harijans are not now participating in the worship of these temples; they participate from outside; they participate very really, though not with greater fervour, at least with the same fervour as some people inside the precincts participate in the worship. It is not as if there is an isolation in the participation of worship between classes inside and the classes kept near the gateway. The participation is united. Those who know the details, the most interesting details of some of the items and ceremonies of worship and rituals carried on during festival occasions, can explain to others who do not know, how the Harijans sometimes take the most essential part in the ritual and ceremony of worship. For instance, if the Harijans kept away one day saying that they have nothing to do with a ritual or festival, that ritual or festival cannot begin at all, because it is laid down according to tradition that a particular thing is to be done by a representative of the Harijan community. Until this is done, the items of worship cannot begin. That is necessary for the inauguration of some festivals. Many festivals include
11-45 a.m. the community-part that is to be played by members of the Harijan community. I am referring to all this to show that a notion may possibly enter into the minds of those who are not Hindus or those who are not familiar with Hindu practices that these are denominational temples, that these classes of Hindus have been wholly kept outside for all time and that for the first time now these people are made to participate in the ceremonial and in the worship of these temples. That is wholly wrong, and therefore it is that I refer to this aspect of the matter. It is all the same whether worship is done from one part of the temple or worship is done from another part of the temple. And so far as ancient temples and big temples are concerned, they are not the property of any particular person or persons; they began as the property of the whole nation. To-day of course there are people who follow other religions, who form part of the nation and hence these things have come to be looked upon as institutions belonging to one part of the nation and not to the whole nation. But when they began, they were institutions belonging to the entire nation as a whole; and the Harijans took part in the worship at one point, while the other castes took part at other points and so on.

“To-day public policy, public welfare, commonsense and justice—all these demand the rearrangement of the position. It is possible for any change to take place if we leave things as they

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are. As I said already, Sir, there was a lot of agitation, especially during the last seven years. Let me confess that unless something is done, this agitation merely floats on the surface like oil on water: it does not mix, it does not get into the minds of the people, and people do not change their activities and things remain beautifully enough like oil on the surface of the water, ununited with the water. The agitation simply floats away on the surface and does not enter into the conscience of the people. But when something is done, then comes the fight, then comes the resistance, and then comes the real stirring up of conscience, and the agitation has then some reality. So, I say that action has to be concentrated upon, not merely stopped with discussion. We have had enough of discussions; public welfare demands that something should be done.

“How is it to be done—that is the question. We passed an Act last year; we passed an Act by which we began with a certain district, and we said, ‘Here, we shall follow this procedure; we shall take the opinion of the people and take their votes and if we get a majority, a trustee shall be bound to open the temple. The trustee will notify and arrange for the taking of the opinion, etc.’ That was done last year. The confusion in the arguments that I have heard in this connexion is due to the fact that the Malabar Temple Entry Act is not intended to be repealed or given up; it is intended to be extended to all the districts. The method of ascertaining by votes, where the trustee depends upon public opinion and public opinion alone through taking votes, and where otherwise he is not prepared to take the responsibility himself—that method which is described in the Malabar Temple Entry Act and which is intended to be extended to other areas is still there; but the principle of the present Bill is something different, which I wish to explain. The principle of this Bill is to try a second method, to try a method by which we can get this thing done without the acerbities naturally roused by what may be called an election campaign, a ballot-box campaign. It is not possible to give up the use of the ballot-box in some matters; it is an eminently suitable thing in some matters. But in the matter of religious practices, I have heard it said—and all reformers have heard it argued by those who opposed the reform—that the ballot box has no relevancy whatever in matters of this kind; that there is no use in taking opinion in these matters; this is not a thing that should be brought into the mire of democracy, as they would call it. Religion should be kept away from the ballot box. That was the argument of those who opposed these measures in the past, and it is the argument of those who still oppose such measures.

“Therefore, a new method is suggested here. It is in this way. Before I explain that method, I should like to explain the

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rationale of it. What is it we are doing? If we are doubtful as to the justifiability of this measure, we may take the opinion of the people; we may take the opinion either of the people as a whole or of people in various places one by one, by what may be called the local option method. But if what is to be attained is admitted to be right, to be justifiable, that it is our goal and has to be accomplished, that we have promised it in fact and we have only to carry out the promise; if there is no doubt on the merits of that question, then what remains? In all matters, even in a matter where everybody has agreed that it is the right thing to do, we have to go into the question and bestow further consideration as to whether it is practical, how it is to be done, what is its feasibility, what difficulties it raises, how we are to overcome those difficulties—and that is the question now. I claim that the justifiability of the measure is no longer an open question. We must have the temples thrown open, and we must consider how to do it one way or another. The question of feasibility, the question of practicability, the question as to how we can reduce the evil by-products to the minimum—that is the question. And in solving this question, we have to find out various methods. I say, where it is possible to induce the trustees and the priests and those concerned, to receive this reform with a certain amount of tolerance, if not welcome, where the trustees and the worshippers and the priests can be reconciled to this thing, we have overcome one great difficulty and evil that may possibly result or which may possibly have to be faced in the progress of this reform. Because, as I have said already and admitted times without number, there is no reform possible unless it is agreed to, unless the ceremonial is kept intact, unless the religious sense is kept intact. This is not a thing in which I can say, 'I overrule you and I make it.' It is a thing that has to be done in a particular place. It is impossible to achieve the reform if the worship cannot be carried on properly. Therefore, the most important thing here is to retain intact the practicability of the day-to-day worship, to retain intact that much of tolerance and reconciliation to this reform which is an essential preliminary, which is the minimum necessary for keeping this reform in spirit. Therefore it is important to get the trustees, the priests and those who officiate, to reconcile themselves to this reform. Therefore, I say in this Bill the principle is, to start with: when they say, 'Yes, we are ready', we will go on. When they say, 'We are willing to do it,' then there is enough material here to carry on this thing properly and without discontinuity, without break. This is the justification for initiative being taken there. That is the principle of this Bill, and when they do that, then we consider, 'Is it wise? Have you got enough public backing behind you?' That can be seen in one or two ways. When those who are generally irreconcilable are reconciled and when those priests who

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have to take a day-to-day and minute-to-minute part in it are reconciled, then the circumstances are favourable for the reform. I can imagine the position; if you go into a village, you have 90 people out of 100 in favour of it; but yet, the influence of the other 10 people may be such that the thing cannot go on. It is the man who is responsible that can sense the value, the quantitative value that he has to give to each opinion or each vote; and he has to see and sense the feeling of the people around and come to a conclusion. If he comes to such a conclusion hastily, there again we have to check it; if he comes to the conclusion according to commonsense, without sufficient advertence to the votes around him, then only the check comes in. But the initiative and the responsibility belong to the trustees and it is only they that can judge and sense the atmosphere and the situation around. That is the principle of this Bill.

"I have explained, Sir, the salient features of this Bill with reference to obvious objections that may be raised to it. It has to be accepted; and even then I say it is not the end of it. It is no doubt true that we can pass all the rules and this Bill containing these elements and these features that I have described, in a proper manner; we can say, 'Yes, the initiative may be taken by the trustees and the priests;' but still it is the officer, the trustee who is going to be returned to his post or changed, it is he who has to sense the atmosphere, who has to see things in a practical form, to see that the devotion of the people is preserved. It has got to be put into practice. Will the trustees have the courage? Will it be followed up? Will anybody have the daring to take up the responsibility and the initiative? It may not be ultimately possible, unless the way is shown. That is why the Government follow what has been done during the last few weeks in regard to this matter. It has been done in some place; it has been shown again in some other place. The thing has started and hence there is fire enough for life to be put into a Bill. Otherwise it will be wooden; the Bill may no doubt be perfect; the rules, the forms and everything may be quite all right; but it will be merely a skeleton or a piece of wood. We find this has taken place during the last few weeks; if only a spark of real life, as distinguished from mere reason and mere jurisprudence, is put into it, then the torch will be kept burning. Such a life is necessary for a reform of this kind; and the Government are keen on making use of that life, without allowing that spark of life to die out and simply create a skeleton afterwards and say, 'Here is a beautiful skeleton; it is possible for the people to put flesh and life into it; then the skeleton will become a wonderful man.' But it will not be anything more than a skeleton if we allow that spark to die out and go into darkness again. Therefore, we want to put that life that has come up suddenly within the past few weeks, into this Bill,

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and to connect the two together. That is why this is an indemnity and authorization Bill. Indemnity is the life, if I may say so, and the authorization is the skeleton of the form that is to receive that life. If only this spark is to put the life into that form, then life will be a matter of fact.

“ Sir, I know there are legal talents, there is legal experience and there is legal consciousness enough in this House for any number of objections to be raised; objections to the effect that it is all irregular, wrong, unsystematic and that this is not the way to do it. I have faced arguments like that; they are familiar to me. It is not irregular now; it has been irregular, it has been unjust for centuries. This isolation, this segregation is simply an intolerable sin which has been committed all these years, and an irregular and intolerable thing like this cannot be scrapped simply by legal forms and rules. This untouchability is an octopus; it has got its tentacles all over our society, in every matter. If I travel in a railway train and have to bring my luggage down from the compartment, an untouchable boy offers to carry the things, and a touchable boy, if I may say so, comes and says, ‘ Sir, he is an untouchable, I am a touchable, therefore engage me.’ That is what he says. Wherever we go, we see it, every walk of life is affected by this untouchability. A regular campaign to kill this octopus is difficult. A terrible thing like this with its tentacles everywhere has to be faced in a number of ways. I confess I cannot be logical in dealing with this; I confess I cannot be systematic and orderly in dealing with this question. When war was carried on in a chivalrous manner, it was enough for people to send a few compact regiments; but to-day war begins in the sky, in the water and in the well—poison everywhere. If it is spread all over like that, the defence also has to be like that—irregular. In the same manner is this untouchability to be faced in our country. It is most irregular; we can begin nowhere logically. If I begin in the house saying, ‘ Let me take a domestic servant from an untouchable family,’ there will be the argument, ‘ Let him be admitted first to the well, into the school and lastly into the temple and then we can take him into the house.’ If I admit him into the temple, then people will say, ‘ Let him be admitted into the house and then he can enter into the temple.’ Again, if I go to the school first, the argument will be ‘ Let him be admitted into the house and then into the temple. What is the good of admitting him into the school? Why let the school go to the dogs? Why give education to this backward boy at the risk of driving out twenty brilliant boys belonging to other communities?’ Sir, it is impossible to face such things in a logical way; I admit it. If there is any other statesman, if there is any other philosopher, if there is any administrator who is ready to tackle this subject and promise me that he will deal with it in a logical manner and will dispose of it before 1939 or 1940, and who

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says ‘ You can keep quiet,’ I am ready to hand over the responsibility to such a gentleman. If there is no constructive offer or if there is no other hope of solving it in any other way, let me go on with this irregularity, with this illogicality and with all the confusing forces I propose to use in achieving the object and let me be helped in this matter; and then the object will be achieved and the name of our country and the name of our religion, which is greater than our country, will be saved from contumely throughout the world. I beg to move, Sir, that the Bill be taken into consideration.”

* SRI T. C. SRINIVASA AYYANGAR:—“ Mr. President, I am constrained to oppose the Bill, not because that this reform is not wanted, not because this reform is not desirable, not because that it is opposed by a very large section of the public, but because the events which have led to this Bill are somewhat abnormal and the legislative machinery has been invoked in regard to this in an abnormal manner. That is our concern. Sir, the Bill before the House deals with two subjects; one is the indemnity for the trustees who may take into their heads to commit a breach of the custom by allowing Harijans to worship; and the other is to authorize the trustees, when they find it proper, to admit such people to worship.

“ So far as the question of the indemnity is concerned, I believe it particularly applies to the case of the officers who recently played a significant part in Madura. Of course, I am not going to say whether the fact and circumstances regarding the part that was played by them are correctly stated or not and I do not wish to trouble the House with reference to that aspect. As has been already observed by the Hon. the Premier, a very considerable amount of controversy has arisen statements and counter-statements were issued and they all appeared in the press, and I do not think I can add anything useful on this occasion. However, it is really a strange phenomenon that in modern times a divine vision in favour of admission has dawned upon four Government appointed trustees and executive officers and in one single place and that too within a week after some very eminent men gathered there. You may draw your own inference; there it is. The question is indemnity. There is no need for indemnity when there is no irregularity, illegality or improper or unjustifiable action. Lawyers and legislators are of course familiar with the circumstances when an indemnity is granted. Where a sudden emergency has arisen in which the officers entrusted with the duty of preserving the peace of the public or saving human life or other similar matters are obliged to take action suddenly and they cannot have sufficient time to consult their superiors, and in that emergency they have exceeded their

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powers or are obliged to take action which may be disproportionate; it is in such cases that an indemnity is required. But here, what is the emergency that has overtaken? What was the overpowering duty impelling these officers? Surely, these executive officers have their superior officers; there is the Religious Endowment Board and its officers and there is also one of the Ministers in charge of the department. Had there been no time to telegraph to them; did the telegraph wires in Madura refuse to function and did the post become paralysed? Then, what was the difficulty in the matter, was there at all a duty on these officers? Instead of asking them for an explanation as to why they were obliged to do such an act and why they failed to obtain orders previously, Government have come forward with this indemnity Bill. Now indemnity for this; to-morrow indemnity for something else; where are we to begin and where are we to stop? Now, Sir, it looks as if some energetic officer more in enthusiasm than in discretion has committed some acts outside the range of his duties, but an appreciative superior authority, which no doubt was overwhelmed till then with considerations of what I may call many difficulties, suddenly thought that here is an officer who is heroic enough to do this and that so he deserves our support, and the Legislature is now called upon to indemnify that act. A great deal has been said about this reform. While I oppose the Bill let me not be misunderstood if I say that some of us at any rate are not against this reform; some of us do require that reform but not in this form or manner. But a custom has been in existence with some of its ugly features and with a great deal of its rigours. A large amount of conciliation is necessary. There are some people who know, perhaps those coming from that district in which recent events took place, might remember that riots took place in South Madura, West Ramnad and in the northern and eastern parts of Tinnevely, in which considerable loss of life and property resulted over a similar matter. The districts were then partly under military or punitive police occupation. A special Commissioner was appointed for some time for the two districts of Tinnevely and Madura and I believe that officer was Sir Murray Hammick. Several additional courts were created for the disposal of cases arising out of these riots; punitive police were for a long time, quartered in Kamudi and Sivakasi. That was the state of affairs then. Now, I believe, due to agitation, due to reforming tendencies and due to the good sense of the people that the reform was wanted a very desirable change has come over the people. If to-day the Hon. the Premier has been enabled to successfully issue an ordinance and also bring in this Bill, by avoiding riots and all that, I say it is all due not so much to the authority with which he has been able to do all these things, but as I said earlier,

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it was due to the good sense of the people that the riots, etc., of the olden times did not take place (hear, hear). I am glad to hear that that aspect of Madura sensibility has been appreciated. It might have been better if the events of 8th July had not happened and conciliatory propaganda prevailed. Things would have progressed much more by the 8th July 1940. I may ask, Sir, why suddenly a particular time was chosen, between two poojas in the early part of the day when generally the temple is not very populous, the bulk of the regular pujaris being away and certain people who are concerned in the matter were kept in readiness and all these things have taken place. It may be a praiseworthy act on the part of the persons concerned; but from the point of view of the regular worshipping public it is not the correct method. The two sections of the people should be brought together in such a way in which the Harijans are no longer the depressed classes and the caste men are no longer to be the sort of persons who will look upon the other section as if they are in an untouchable condition. After all what is the value of all this if temple entry is effected in this way; with the usual temple goers being in effect shunted out and people who are till now excluded from the temples being shunted in and in fact led in by three or four leading men.

“ Sir, apart from the more conservative of the public who are against temple entry altogether and the reformers who under all circumstances and at any time and in every manner want temple entry, there is a large body of people whose opinions are very favourable and who are coming round and they are all shocked and amazed at the manner and the method of entry. On the 8th July, two hours after this intrusion, if I may call it—because it is not entry but it is intrusion—has taken place, people were stunned and the result has been, people who have been really affected are the habitual temple-goers and they have mostly ceased to go to temples. Now we have this Indemnity Bill. No civil authority has broken down, the military has not taken charge nor had any one to rely upon the muskets and swords to bring back the situation under control, or for the civil authority, again to take charge of the matter. No Indemnity Bill was required. Now, Sir, only a few months back we enacted the Malabar Temple Entry measure and it received very considerable support from this House and it also received very considerable support from the public. So, it cannot be said that the people were hypocritical in supporting the Government. I told you, Sir, that some 45 years ago many lives were lost and several people lost their property, lots of towns and villages were affected because angry passions were provoked and it required military and punitive police to bring the situation under control. The situation has since improved much. It cannot, therefore, be said that the reform is not progressive and the public are against it. No

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chance was given for the method of ascertaining the progress of public opinion. What we are against is in regard to the illegal methods adopted and the law being enacted in a peculiar way.

"Sir, I was listening attentively to the very eloquent speech of the Hon. the Prime Minister and he said, here is an age-long wrong and we must in some way, get out of it. Of course, all are agreed that something must be done. Is it not just that he should have adopted his persuasive method and is it just that he should apply to the Legislative Council or to a court of law, in the way they are dealt with?

"Now, I submit, your lordship (Laughter)—of course it is I think very appropriate that since you are now enacting a law you seem to be a sort of a super-judge. Sir, I say there is no room for an Indemnity Bill at all. I want to know whether there was any communication between the executive officers and the superior officers prior to the time they took upon themselves the liberty of doing this act. The law as it stood on the 8th July was that the trustee was to follow the recognized custom. What was the means by which my esteemed friend Mr. R. S. Nayudu and other gentlemen there took upon themselves to ascertain public opinion and what was the material on which the overwhelming change that was sought and effected was justified and what were the compelling circumstances, so much so he was bound to act imminently and instantly and without even the necessity of communicating with the higher authorities. (Sri B. Narayanaswami Nayudu: 'Will you tell us what really happened there?') My friend Mr. Narayanaswami Nayudu wants me to give first-hand information, but since my friend Mr. K. R. Venkatarama Ayyar has given the whole history of the case in the statement that he issued yesterday, I do not want to go into that aspect again at length on this occasion and thereby create acerbities.

"Here, I am confining myself only to two principles, namely, whether an indemnity is called for and whether the authorisation of the trustees is the proper method. Now, Sir, in connexion with the older incident which I mentioned, a question arose in the then Sub-Court at Madura in a suit filed in 1898. That suit was heard for several months on the question of the custom regarding temple entry and various other allied matters. The Court held against the temple entry. There was an appeal to the High Court from the judgment of the sub-court. Then, while the appeal was pending in the High Court, a compromise was entered into between the trustees and the Nadars, permitting the Nadars entry into temples up to a certain stage. This innovation was considered to be serious and the High Court also took the same view; the High Court allowed extra parties to be added in the appeal, not

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so much for the purpose of contesting the appeal, but for the purpose of opposing and recording the compromise. Well, Sir, if you look at the array of legal talent that was engaged in the suit, it will be found that nothing in that direction was wanting. They were Mr. P. R. Sundaram Ayyar, Mr. Krishnaswami Ayyar, Sir P. S. Sivaswami Ayyar, the two Srinivasa Ayyangars, Mr. J. P. Wallis and you can see that there was no chance for the learned judges who heard the application either to over-state or understate the principle of the law. With your permission, Sir, let me read some extracts from the judgment in order to show what is the real position of a trustee in matters like this and even if legislation was a desirable thing whether the trustee can be entrusted with this duty. It is from Vol. XII of the Madras Law Journal."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"It will perhaps not add much to the volume of the reports in the matter." p.m.

* SRI T. C. SRINIVASA AYYANGAR:—"I am trying to show that the Hon. the Premier is now changing the statutory law of the land and the law of trusts is involved."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I admit it."

* SRI T. C. SRINIVASA AYYANGAR:—"I am glad for the frank admission of the Hon. the Premier."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Let me make it clear that this is not only a change in the law with regard to religious endowments; it is also a change with regard to the law of property, to the law of trust, to the law of crime and the law of tort."

* SRI T. C. SRINIVASA AYYANGAR:—"This is a case where the Raja of Ramnad, the hereditary trustee of the Kamuthi temple, sued for a declaration that the Nadar defendants were not entitled to enter such temple and obtained a decree in the first Court and pending an appeal by the Nadars made a compromise under which the trustee as a result of enquiry and further information, gave up all his rights and a compromise was sought to be recorded. The beneficiaries interested in the temple applied to be made parties for opposing the compromise. The fundamental question was whether the compromise was lawful.

"The disputes between the Shanars and the anti-Shanars with respect to the claim of the Shanars to enter the plaint temple and other Hindu temples were of some standing and led to serious riots with much loss of life and property. The plaintiff, as trustee of the temple, filed the suit for a declaration that neither the defendants nor other Shanars were entitled to enter the temple, and asking for an injunction and for damages to defray the cost of purificatory ceremonies necessitated by the defendants having unlawfully entered the temple and defiled it. Issues were framed with regard to the alleged rights . . . and the Sub-Judge found

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that the defendants have not been allowed to use the plaint temple in the past for worship and that the custom set up by them in support of the right of entry has not been made out He therefore, gave the plaintiff the declaration and injunction asked for. The plaintiff representing the anti-Shanars was thus victorious all along the line. In the proposed compromise, he gives up everything and more than everything for which he has hitherto strenuously and successfully contended on behalf of those opposed to the pretensions of the Shanars.

'The compromise recites that the "plaintiff on full and further enquiry is satisfied that, as a matter of fact, the defendants and their caste people have enjoyed the right of access to and of worship in, the temple of Ramnad samindari, including the plaint temple at Kamuthi, in the same manner and to the same extent as the Vellala, Chetti and other Sudra sects of the Hindu community and whereas plaintiff is advised and instructed that, according to the Hindu shastras, the people of defendants' caste are entitled to the said rights of access and worship with respect to all Hindu temples and whereas plaintiff has ascertained that the sentiments of the general body of the Hindu community are in favour of the defendants' caste people exercising their said right of access and worship in respect of all Hindu Temples." The plaintiff then agrees to allow the defendants and their caste people the same rights as other Sudra servants of the Hindu community in the plaint temple.'

"The following is the relevant portion to which I would like to call the attention of the House.

"The learned Judges, Mr. Justice Benson and Mr. Justice Boddam, said:

'In our opinion the proposed compromise must be regarded as essentially a breach of trust on the plaintiff's part. He is not acting in this matter for himself alone nor is he dealing with his own property. He is acting for the general body of worshippers in the temple and he is dealing with what are matters of the most vital interest to them.

'To do so (to allow the Shanars to enter the temple) would be to ignore and alter the fundamental character and uses of the temple as ascertained by judicial authority. It is not in the power of trustees to do this. This principle was laid down by Lord Chancellor Eldon in these words—

"Where an institution exists for the purpose of religious worship and it cannot be discovered from the deed declaring the trust what form or species of religious worship was intended, the court can find no other means of deciding the question, than through the medium of an enquiry into what has been the usage of the congregation in respect of it; and if the usage turns out upon enquiry to be such as can be supported, I take it to be the duty of the court to administer the trust in such a manner as best to establish the usage considering it as a matter of implied contract between the members of that congregation. But if on the other hand, it turns out that the institution was established for the express purpose of such form of religious worship, or to the teaching of such particular doctrines, as the founder has thought most conformable to the principles of the Christian religion, I do not apprehend that it is in the power of individuals, having the management of that institution, at any time to alter the purpose for which it was found, or to say to the remaining members, 'We have changed our opinions and you who assemble in this place for the purpose of hearing the doctrines, and joining the worship prescribed by the founder, shall no longer enjoy the benefit he intended for you unless you conform to the alteration which has taken place in our opinion'."

This is what their lordships observed—

'These words, no doubt, were used with reference to the regulations of religious trusts in England by the Court of Chancery, but we apprehend that, *mutatis mutandis*, the court will be guided by the same principles in

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this country. Where an institution exists for the purpose of religious worship but the exact form of worship or the class for whose benefit it was established, cannot be discovered from the instrument creating the trust (or where, as in the present case, there is no such instrument) the court can find no other means of deciding those questions than through the medium of an enquiry into what has been the usage of the worshippers in respect thereto and if the usage is a lawful one, it is the duty of the court to support the usage on the suit, legally instituted, of any person interested. It is not in the power of individuals having the management of the institution to alter the purpose for which it was founded or to say to the other worshippers "We have changed our opinions and you who resort to this place for the purpose of worshipping in the customary manner, shall no longer enjoy the benefit intended for you unless you conform to the alteration which has taken place in our opinions, even to the extent of submitting to the presence of other worshippers who are prohibited by custom and the Shastras from entering into the temple. It is not in the power of any trustee to say this to the other worshippers in a temple'.

This is what the Hon. Judges observed:

"On the contrary, it is the duty of the trustees to maintain the customary usage of the institution, and if he fails to do so, he is, in our opinion, guilty of a breach of trust and still more so, if he deliberately attempts to effect a vital change of usage and to make it binding on the worshippers by obtaining a decree of the court to establish it".

"I do not feel it necessary to read further from the report. The discretion of the trustee and his power has been stated quite clearly. What the Bill seeks to do is quite against the principle laid down repeatedly by the decisions. The power of ascertaining local opinion is given to the trustees. Sir, look at the existing situation. You have got the power under the Hindu Religious Endowments Act to issue a notification and appoint an executive officer and the trustee will no longer be there. The executive officer will be the *de facto* and the *de jure* trustee. Some of them may take the view that a change has come over the public opinion in the country but if some people were to think otherwise, there would be chaos. Just see what has taken place at Madura. What has happened in the Sri Meenakshi-Sundareswarar Devasthanams at Madura could not take place in the adjoining temple at Tiruppuramkundram—it is just a continuation of the town though it is not within the municipal limit. I wonder how the municipal limit has become a determining factor in the consciousness or religious susceptibilities of the people; I wonder how the municipal jurisdiction has given the reforming zeal to the citizens of Madura while those outside it are kept in a conservative zeal altogether. Then the Kudalalagar temple was thrown open to the depressed classes; but to the trustee of a temple a few miles east of Madura and a few miles west of Madura, the dawn of new dispensation has not dawned. It is my submission, Mr. President, that it is a wholly unjustifiable and impracticable thing to invest these trustees with the powers of ascertaining public opinion; I doubt whether their method of arriving at it would be correct or whether they could come to correct conclusions. I feel that there is something very unjustifiable and inexplicable in this.

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"As regards the question of indemnity, I am bound to ask whether the Government by granting it had really come to the rescue of those persons who *bona fide* gave, of their own discretion without reference to other authority, permission to depressed classes to enter the temples, or whether there was an implied promise of support to them if they acted in that manner. (Interruption by Sri T. A. Ramalingam Chettiyar.) I would only like my friend to go about the place and see things. I am not airing my individual conviction. I am with my hon. Friend from Coimbatore . . ."

SRI T. A. RAMALINGAM CHETTIYAR:—"I am only saying that the future has justified the past. What has happened later has justified the action that has been taken by the trustee."

* SRI T. C. SRINIVASA AYYANGAR:—"I do not think that the Hon. the Premier would at all brief him. The hon. Member says that the future has justified the past. But what about the present with which we are now concerned? (Laughter) It is not a question of the Hon. the Premier pleading on the merits of the reform. A hundred things might be cited to justify it; but what about the method? Why do you entrust the trustee with this power? Why do not you appoint a commission consisting of people who have broad views, men with judgment and ability, to discover whether there is public opinion behind it or not? They can go about and see things and learn for themselves they can report to you and you can make use of it in the place of referendum and ballot box. If they say that parts of the country are thoroughly for it, then you can empower the trustees under proper conditions to carry it out. They may say that the whole country is in favour of it and, if so, the entry can be permitted. But is the method contained in the Bill the correct method? My submission is that there is considerable resentment about it. I tell you, Sir, that there is a considerable feeling in Madura that the whole thing has been thrust on them; Madura has become famous in the country on account of the way in which it has been made to be the genesis of a legal reform—it is not made merely a religious reform; nor is it merely a social reform. The Hon. the Premier has stated that social equality will not ultimately be established unless religious equality is established and no political or economic equality will follow unless social equality was established. Apparently, he feels that the essential fundamental is to alter the legal machinery, the legal precedent and legal conventions."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Hear, Hear."

* SRI T. C. SRINIVASA AYYANGAR:—"If that is your idea, why say that there should be an ascertainment of public

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opinion; why not legislate straightaway saying that temples should be thrown open to the Harijans; why should you place your subordinates on the horns of a dilemma; why do you want him to become an accommodative man for one party and quite implacable for the other? These are difficulties which you should not allow your subordinates to face; you are placing the subordinate officers in a miserable position. I submit, Sir, this is an unwanted piece of legislation and I am opposed to it."

* MR. J. A. SALDANHA:—"Mr. President, the House is aware that I have taken much interest in the amelioration of the condition of the depressed classes—then called by that name but now called 'Harijans.' When a Bill for the amendment of the District Municipalities Act was brought forward by me—it was a rather comprehensive measure—there was a provision for the excluded classes to the free use of public streets, wells, markets, schools and all other public places; but the Select Committee would not extend it to schools and other public institutions maintained by the State or the local bodies. Previously my friend, Mr. Veerayyan, in his own limited manner brought forward a Bill to provide facilities for the Harijans under the Local Boards Act."

MR. PRESIDENT:—"We are now dealing with the Temple Entry Bill and not with the Harijan problem." (Laughter.)

* MR. J. A. SALDANHA:—"I am only going to show how this is not a religious problem but a social problem. I think I can speak with some knowledge on this subject and some authority as I am having to my credit an amendment of the District Municipalities Act for the benefit of the depressed classes."

"Now, after studying the facts carefully, I feel the Government have been pursuing, or at least those who are concerned with it have been carrying on, very dubious methods in carrying out their objects. I feel sure that what has been done so far has been done by smuggling by the back door, or it may be by the front door even. Now this Bill, it has been admitted by the Hon. Premier, is to regularize an irregular act, or to convert into a good thing what is bad in law. This Bill tries to cover up a fraud, to indemnify a *zulum*, to indemnify an act not lawful. It is intended to cover up a fraud, an act of *zulum*, as I said."

MR. PRESIDENT:—"The hon. Member will withdraw the word 'fraud.'"

* MR. J. A. SALDANHA:—"Zulum is a better word. (Laughter.) I withdraw the word 'fraud.' There is a Latin maxim, which says, 'the fact prevails though the act indulged

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in is against law and against equity.' Even so, there is a Sanskrit sloka, which says, 'What is the use of a number of slokas, when the fact is done and remains a fact?' I do not think that maxim should be applied to the case of Madura and a new law be expounded. I can also quote the law with regard to Christian churches in connexion with the duties of a trustee. The trust in connexion with Christian churches is governed by common law, and no form of worship can be changed, no method of ritual or sacrifice can be altered against the explicit terms of the original trust even if the majority of worshippers agree. It is found in Chapter V of the book. I do not want to go into that subject as that is well known.

"The question is how far we are justified in supporting the present Bill. I consider this Bill is quite premature and preposterous and it is putting the cart before the horse. We ought to consider whether by the previous legislation we had succeeded in improving the condition of the depressed classes; whether the provisions of the Local Boards Act and the District Municipalities Act had been fully carried out and the depressed classes had been allowed to avail themselves of the public roads, public wells, etc. So I say, this is not a religious question, but it is a social question. And in this connexion I do not want to go into the question of mutts. But I will point out it is only a social question and not a religious question. These people who are now kept out of temples, who are now called Adi-Dravidas, were the aborigines in the land. When the Dravidians conquered the land they drove the aborigines into the forests, and thus they were not allowed into the pale of their social body. Thus, not only politically but socially they were outcastes, just as the Indians are now treated in South Africa. These aborigines were thus kept out of temples on account of the social ostracism adopted by the conquerors. Now, the main question to be decided is: 'Has the sentiment of the conqueror over the conquered been got over?' On this matter I may refer the House to the judicial decisions of the Madras and Bombay High Courts. What the decisions say is that public sentiment, or what is called public conscience, should be the judge to decide the necessity for social reforms. The opinion of high-placed persons, the opinion of reformers, do not constitute the opinion of the main body of people. There has been a slow process of reform in this matter. The question then is whether it is not premature now to bring forward this legislation by the State. No doubt it is the view of Mahatma Gandhi that temples should be thrown open to Harijans. But what about the views of the Harijans? Have they sought for it? If so, where have they made that expression? I do not think any member of that community has so far sought to bring legislation

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in this form of what is really a forcible entry. Nor do I see that public opinion is favourable to temple entry in the way it is sought. Have the temples so far thrown open to Harijans been used by the caste Hindus? It is, further, I say, not a religious question but a social question. There are several churches in India which are used by Europeans only. In those churches Indian Christians are not allowed except perhaps to kneel and pray in a wing of the building: and there are some churches intended solely for Europeans where Indian Christians are refused admittance. If you go to Trichinopoly and other places in South India, you can see in the churches Indian Christians kneeling and offering prayers from one corner or a wing of the main church. So the present Bill is forcing you to use violence, it is imposing on you the use of violence; directly against the Gandhian doctrine of non-violence. In short it says, even if the people are not prepared for temple entry, it will be forced on them by violence. Therefore, I say the measure is premature; it is against the fundamental maxims of Hindu religion and therefore, I regret, I have to oppose the Bill."

* SRI D. MANJAYYA HEGDE:—"I am not at all in support of this Bill. The Bill is alarming and there is much confusion. More responsibility is thrown upon trustees of temples by this Bill. It is not clear by what system or method the trustee can sense the public opinion as to the entry of Harijans into the temples. Suppose the public are not for this temple entry by the Harijans and the trustee is for such entry, there is no provision to effect this reform. Again the trustee cannot on his own responsibility put forward this measure. If he does so, the public will boycott the temple and on the whole the temples may become unpopular and the people who are called caste Hindus may stop giving any endowments to these temples. On the whole these temples will be ruined. It is nothing but sparing the rod and spoiling the child. I think the Government will become unpopular by introducing this Bill. As regards our district, public agitation as regards this temple entry is not at all so intense. Therefore, I think, it is not at all necessary to introduce this Bill at present."

* MRS. MONA HENSMAN:—"Mr. President, I only crave a few minutes of your attention, because I know that there is a good deal of business to be done this morning. But I am happy with a full and most sincere heart to congratulate the Premier on having brought forward this Bill. We have heard several arguments against it. As an Indian Christian I am sorry to have to confirm some of the statements of a fellow Member, but I do not think that these are arguments to be used against this Bill. (Hear, hear.) To my mind, all the facts that he has adduced are in favour of introducing a Bill such as this, because those are

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most regrettable facts that he has referred to and facts that, in any religion, would be regrettable. And as we know the Hindu religion—if you will excuse a personal reference, Mr. President, both my grandfathers were Hindus—we feel for what was our own religion so short a time ago and I dare to say that the repercussions and reflections and the vibrations that take place in a religion that was ours so lately, are still carried on unhappily into the present form of Indian Christianity; if a Bill such as this were to come, I have no doubt that the regrettable facts that have been referred to will naturally, and of themselves, fade away. I refer to the regrettable facts with a foundation that is purely religious—those, defending religion and social conditions such as in South Africa probably would need other remedies.

“This House has always been in favour of progress and helping forward the full forces, the spiritual forces of our country, to be realized in action and this Bill is one of the most eloquent and one of the best Bills that was brought forward.

“Finally as a woman, I want to mention that all our organizations, the All-India Women's Conference, the Women's Indian Association and every association that we have had and that is best known in this country, have for the last ten years and more worked for a Bill like this; we have worked for this as much as for anything like the Sarada Act or anything else that is a piece of social reform. This may be a religious or a social reform with either foundation and it may be classed in either category. This Bill will go down in the annals of our country and the speech we have just heard from the Hon. Prime Minister will be handed down to history, not in the history books of our country only because we men and women will have it in our text-books, but it will go further than that. It will go into the hearts and homes of the people, because we women approve of a Bill like this and we will carry it everywhere. I sincerely congratulate the Hon. the Premier on the introduction of this Bill.” (Hear, hear.)

THE RT. HON. V. S. SRINIVASA SASTRI:—“Mr. President, I fear I shall be occupying the attention of the House for a little time. I only . . .”

MR. PRESIDENT:—“You can sit down and speak.”

THE RT. HON. V. S. SRINIVASA SASTRI:—“Many thanks for this indulgence. I am afraid I shall occupy the attention of the House for a little time and we won't be able to rise at one o'clock.”

MR. PRESIDENT:—“No, we will sit till two o'clock.”

THE RT. HON. V. S. SRINIVASA SASTRI:—“Sir, when I first read in the papers that the Hon. Premier has promised legislation to indemnify the principal actors in the drama at Madura on the 8th July, I felt that while there would be very general

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agreement as to the aim that should be attained, there could not be the same agreement as to the means that we propose. I fear it might be my duty to accuse the Premier of having forgotten, in his enthusiasm for a certain reform, the golden rule that in public matters of primary importance the means are just as valuable as the end, and an administrator charged with the responsibility of ruling the affairs of a Province ought to be very careful that he did nothing even by way of promoting a great aim which might be questioned. To-day, Sir, the Hon. the Premier has made a speech in which he has openly admitted that he is bringing in this Bill regardless of law, regardless of form, regardless of regularity and regardless of those ordinary restraints that bind those who handle public affairs. I did not expect at all that he would make so bold, if I may say so, so bare-faced, a claim to adopt any means to secure an end which he had, may be in his mind right and proper. I am not one of those who think, as I said before, that he does not justify the Bill; but we must be very careful, very scrupulous, very tender as to the means we employ, for we are here not to achieve a triumph for the day, but to achieve a triumph that lasts and to achieve it in ways and by measures that will stand the test of public scrutiny and public criticism. I may venture another word on this head. I can say that the Mahatma will deplore any action on the part of his followers, on the part even of any of his friends like me, which seemed to proceed on the assumption that so long as there was a growing grievance, so long as there was a grievance universally admitted to be such, it did not matter what we did, provided we knocked that grievance on the head. It does matter, Sir, a good deal. And I would venture to say to-day one or two things in justification of this proposition that the proposed means do exalt the means of the Opposition to which they are not entitled.”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Exalt the ends?”

THE RT. HON. V. S. SRINIVASA SASTRI:—“Exalt the means to which they are not entitled.”

“Mr. President, I must first say a word of personal explanation like others. I am a friend of the temple entry movement and I am very anxious that the reform should be effected with the least possible delay and with the least possible harm to the general harmony of the community. I am not in a way a social reformer, I never have been, but what are we about to do? We are invited to employ for this great purpose a machinery of administration known as ‘indemnity legislation.’ I know, Sir, that our friend opposite and the Harijan community say that they do not care for precedent, that they are doing something never before attempted in the history of the world and therefore a mere example quoted from history or previous administration will not be able to help

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even though repeated in different tunes. If an indemnity legislation is undertaken, some of us would like to examine what an indemnity legislation is generally intended for, what its real nature is and whether the circumstances of the moment and the purposes for which it is intended to be applied are such as will justify a resort to this extreme measure as an indemnity. In my time there has been in India a great Bill of indemnity. There has also been a great Bill of validation. I was present when that Indemnity Bill was passed through the Indian Legislative Council. Sir, that Indemnity Bill, like other indemnity Bills known to history, was undertaken for the purpose of giving protection to the officers of the Government who had been employed under the authority of the Government to quell a widespread and deep disturbance which involved loss of life and loss of property on a colossal scale. Officers employed on their duty were no doubt performing their legal functions, but it would have been impossible for them to avoid certain things which exceeded the law and which exceeded the necessities of the case. That was the very nature of their task. Every now and then many difficult circumstances would arise and those executive officers would be unable to ascertain whether the action that they proposed to do in that emergency was right and was within their competence or that of the Government. In such cases, it is no wonder that many an officer let himself open to attack in courts of law. Any Government on such an occasion would like to prevent their officers from being arraigned for damages or terms of imprisonment the courts may award. An indemnity Bill is undertaken upon such occasions. To protect officers employed by Government on lawful duties, but being obliged by the very necessity of their occupation here and there, inadvertently to transgress the provisions of the law—an indemnity in such circumstances is justifiable; we know of such. In the present instance, was there a disturbance in Madura which the officers of the Government and the trustees and other people were called upon to quell? Were they engaged in the task that I have described, and were they likely in the discharge of that legal duty now and then to lose the propriety enjoined on them? Nothing of the kind, Sir. The disturbers of the peace were the officers of the Government and the trustees initially, and later on they were the people who did harm to the peace at Madura. I do not say he ordered it; I do not say he wanted it in ways obnoxious to the morality or general principles of propriety. But they were the people who disturbed the regular order of things. I saw from certain statements made by the Hon. Premier that they were not acting under the orders of the Government. And yet the Government go to their protection and invoke this machinery intended for one purpose for a quite different purpose in which the people of two schools of opinion in social and religious matters were involved and had exposed themselves to pains and penalties such as were

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involved there. I venture to state, Sir, that this is a perversion, a gross abuse of the principle of indemnity legislation known to the practice of Governments heretofore. (Hear, hear.)

“ But there are other important aspects to be considered and I do not want to dwell too long upon this. The Premier makes, it seems to me, a great mistake in claiming for a good cause such as he has more than its due. In making statements to a general audience like this, composed it may be of seven-eighths of his own followers and one-eighths at least of people of a different way of thinking, it is not open to him, it is not wise on his part, to lay claims which may be challenged. For instance, to the arrangement come to in the year 1932 in Poona he has been in the habit of assigning an importance which does not belong to it. He calls it—and I know other people like him have called it—a pledge binding on the Hindu community of India. Certain very important and leading Hindus were present; many influential Hindus lent their support to that document. Sir Tej Bahadur Sapru and many another whose name is not less important than his, gave this undertaking. We know, Sir, that that was obtained under a sort of moral coercion. They agreed to certain things in such circumstances and no one will forget, Mr. President, how in Bengal the entire Hindu community repudiates that pact. It has done such injustice to the Hindu community and put them in a position of inferiority in Bengal. They say they were not consulted properly; they had no time to consider the matter at all, and they are now suffering the consequences of a pact which was enforced upon them in circumstances over which they could not exercise proper control. That is a disability under which the promoters of that contract laboured. I think it is well to remember that fact and not thrust it upon all sorts of people. There is an undertaking which we must carry out. It is not possible to give it that paramount claim. I was not present at the time, but I am quite willing to state that I will not stand up on a platform and say that it was upon all grounds just and proper, that it was based upon an all-round consideration of the very complex and difficult issues involved and that it is entitled to be in law binding on everybody. When we advocate claims we must pitch them at the proper level. Otherwise they are open to challenge.

“ Now I have to put a question beforehand. The Hon. Premier will not mistake my feelings and words. I am only putting forward arguments, but as is my habit I show my hands and I seem to turn this way and that. Do not suppose that I am under the influence of a violent emotion of antipathy to this measure or anything of that sort. Now, Sir, the Hon. Premier the other day said in another place that he had to get an ordinance issued and get it approved because the Legislature was not then in session and

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there was great hurry. It is perfectly true. I am not against his having taken an ordinance for this purpose at all. In fact I said to many of my friends that he was perfectly justified in getting an ordinance issued. But he said that the Legislature was not in session, and he half-playfully turned to the Speaker and said, 'You were not then, Sir, within easy reach.' I do not know where the Speaker was at the time. (An hon. Member: 'At Simla.') Well, Mr. President, the Legislature of Madras has two Houses. If the Speaker was away and the time taken for a telegram to reach him may be four hours, where had the President of the Legislative Council gone? (An hon. Member: 'He was there too.') (Laughter)

THE HON. SRI C. RAJAGOPALACHARIAR:—"It does not affect your argument."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Was it not possible to get at these people and ask them to come down for this paramount purpose? Was it not possible?"

MR. PRESIDENT:—"No."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Your duties were such that you would not have remained."

MR. PRESIDENT:—"The Conference had been arranged on particular dates. So we could not come back."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Mr. President, I must accept your word. Still I believe that if the Prime Minister had cried out for succour and sent his S.O.S., you would not have said, 'I am doing very important work.'"

"I am going just to say a word on this ordinance. I am, Sir, of opinion that when the Prime Minister found that the Bill he had already published had no chance of being passed by both Houses and receiving the assent of the Governor in good time to stay the proceedings in Madura in court, he was entitled to use any means at his disposal for this purpose. And, as section 88 always bespoke and spoke beforehand the initiation of the Ministers themselves, it did not seem to derogate in any way from the position that he used this section for saving a situation which otherwise threatened to become very acute."

"But I am concerned about the measure itself. This legislation is to indemnify and also to authorize them beforehand to take a certain step. May I draw the attention of the Council for a minute to the terms of the section chiefly relevant to our purpose? Clause 3 says: 'If in the opinion of the trustee or other authority in charge of any Hindu temple in the Province of Madras the worshippers of such temple are generally not opposed to the removal of such disability . . . The trustee is the last man who should be told to say in a particular matter of importance that people are

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generally in its favour, either for purposes of law or for the purposes of a court of law. How do you lay upon an unfortunate trustee the duty of determining whether the worshippers of a temple are generally in favour of temple entry? How is he to perform that duty if he is a man with any sense of responsibility? Have you prescribed for him any particular method or means of ascertaining this opinion? Who are the representative worshippers whom he would ask? Are ten letters sufficient, fifteen letters, twenty letters, coming from people occupying different places? Will that do? Sir, it seems to me to be laying upon the trustee an amount of p.m. responsibility which, if he is a proper-minded man, he cannot discharge but which, if he is not a man of proper calibre, will make him proceed to discharge in the most embarrassing and improper manner. It is not proper without definite instruction to give the trustee power to determine whether worshippers are in favour of this or not, and that this should be done provided the Government approve of it. How are the Government to determine? What is the agency that they will set up? The trustee is the man on the spot and, generally speaking, his word carries sufficient weight with the Government. Sir, it is time for me to say that this Government who lightly undertake legislation of this indemnificatory character for the purpose of carrying out a piece of social reform when nobody has offended, nobody has violated the law and nobody has disturbed the public peace, this Government are not to be trusted with the power of determining whether in a given case the trustee's opinion was formed on proper grounds. Unless the law itself lays down the conditions under which the trustee should say anything of this nature and under which the Government should accord their approval to the statement the law is not only imperfect but it is so vague and can work nothing and continue. Now, then, that is perfectly clear.

"Supposing, however, that a mistake has occurred, that both the trustee and the Government have gone wrong in a particular matter. If the sequel proved as it is proved in Madura that the confidence with which the early reformers took the first step was somewhat misplaced, what is the remedy? Supposing such a thing comes in in a given case, how is the worshipper to go about? The trustee has given his opinion. The Government have accorded their approval. Harijans have gone into the temples and taken part in the worship. Supposing, however, it turns out—though it is an assumption on my part—that the minority only were in favour of this measure, how is the majority to find a remedy? Does this Bill provide any remedy for that purpose? It leaves a big gap; it leaves no loophole, no way of escape where a big mistake has occurred. Our Premier has told the public that he has not gone back upon the original Malabar method of referendum and taking the majority opinion. He says that this is only an additional or

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supplementary method for a certain class of cases where the trustee senses the general opinion. I wish, Sir—I wish with all my heart—that I have the power even in a very small degree of sensing the atmosphere around me in a matter where the deepest feelings are involved and the most ancient traditions are concerned. It is very wrong to ask the trustee to sense the atmosphere and act on it. It is very, very hard. I would not be a trustee if I am loaded with that tremendous responsibility; and if I were the trustee in charge of a temple with my authority proceeding from Dr. Rajan and I do not act for six months or a year in conformity with the general policy of this Government in pushing this reform, where should I be? (The Hon. Sri C. Rajagopalachariar: 'Continue there.') I must prepare the ground and as soon as ever my position becomes to some extent secure I must announce, 'The hour has struck. I am going to take action.' A man must be superhuman who knows how to choose the time for such a purpose.

"The Hon. the Premier says that this is supplementary legislation. But it appears to me that this Bill in reality will become a superseding piece of legislation. The other method will not be applied. Upon his own showing it creates acerbity. It is attended with difficulties. It is a method slow and uncertain in operation. But what are we engaged upon? We are engaged upon a reform that has waited for thousands of years, upon a reform on which society is divided most hopelessly, there being, in the Prime Minister's own words, an impossible and constant opposition to us! We are engaged in the wrecking of this ancient evil. Is a year or two too long to wait? Is not the unfortunate community to which you and I happen to belong—a community where our fathers and mothers were temple-goers and were ardent temple-worshippers—shaken by us as the result of western education? But are there not thousands and thousands of people who are not criminals, who are not hereditary oppressors, whom you call the tyrants of the community, who honestly believe that certain exclusions have proper sanction? Is a year or two too long to bring them over to our side?

"This Malabar Temple Entry legislation so loudly hailed, we know, was particularly difficult, but we welcomed it. What chance have we given to it? It is ten months old on the statute-book and here we are told that it has not worked and did not work and must be supplemented by another. I tell you, Sir, that this is the only method that will be adopted. The other method will be for ornamental purposes. There is a famous law in Economics which says that a false coin will drive out a true coin. This is the method that anybody will adopt in preference to the other. What is the good of calling it supplementary? It is superseding or cancelling legislation. There is no mistake about it. Our Prime Minister has said—I have got his words

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here from the newspaper and I know he objects to a newspaper being quoted without his being given an opportunity of saying whether it is correct or incorrect; I think he would not question this—'There was, however, no doubt that the majority of people were in favour of this reform.' I take it from a newspaper report of his speech. Of course it was twisted . . . (Laughter) He pleads that the majority are in favour of this reform. Mr. President, I honestly tell you that if I could say the same with conviction, I would be very pleased with the state of things in India. Do I say anything in condemnation of it?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I have said just now that the majority are in favour of it. But if you let them go, they would not act."

THE RT. HON. V. S. SRINIVASA SASTRI:—"But my fear is that this is an overstatement. It is one of those beliefs which strong enthusiasm infuses in us and which, on a realistic study of facts about it, is not justified. Our friend, the Premier, is a strong believer in himself. (Laughter) He is a strong believer in his instincts, in his desire to progress. Well, it is a dangerous guide to the appraisement of the situation. I think, Sir, on the other hand, those are more right who believe that this reform appeals to a minority of the community, an influential, enlightened and progressive part of the community, but a *minority*. I do not say that a minority is to be suppressed. But if we are to go into legislation with the idea that a certain view commends itself to the majority, we ought to be careful about the methods by which we ascertain that fact. It will not do to assert. It is not enough for a trustee to go and say, 'I saw twenty worshippers to-day. They are all in favour'—a proposition upon which a man can venture after he has taken great pains to ascertain in the regular and acknowledged method of vote-taking. It is very easy to dismiss that word as if it has been charged with misuse for two or three generations. Vote-taking is a method with which we are all familiar. Referendum has been known in the history of the world. Why not go to it? It may be painful, difficult; there may be disturbances. But are we now taking a measure which is not going to cause this pain, which is not going to give us disturbance? The Premier himself was present at a scene in Madura when, long after these incidents took place, he saw people injured. He saw them himself in cold blood. Several days after the incident at a public meeting held for the purpose of demonstrating, people began to pelt stones and to abuse one another and strike one another. Is this the method which you can hold up to the public of India as free from the troubles attending upon the Malabar Temple Entry legislation which has not been tried, which has not been put into force and which has not been given to prove itself?"

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1.30
p.m.

"Certainly, if you are going to adopt a method which carried with it the guarantee that the community will acquiesce in it, that it will adopt it quietly, that it will be unattended not merely with physical disturbance, but with that far worse thing, the discontent of the heart which does not know how to express itself for want of a legitimate means of expression, if you are going to adopt such a method, I should be the first to shake the hand of the Premier and congratulate him. I want this measure as much as he. I should like the Harijans to be admitted to equality very soon indeed. But, Sir, we are dealing with a very ancient and well-established abuse which a great many of our people do not regard as an abuse. Men of common sense and patriotism feel that this abuse should not be there. I agree; but all these are considerations that will appeal only to him and to me and to others round about here who are educated in the methods in which he and I have been educated. But, Sir, I come from an orthodox community as he does; I come from an orthodox family. I have orthodox people all around me and, though I am no temple-goer and am not personally involved in the settlement of this controversy one way or another, let me tell you that my heart throbs with sympathy for those poor and ignorant people upon whom the weight of custom sits like an incubus contracting their hearts, depriving them of the ordinary considerations of humanity and, at the same time, consigning them, as it were, to a position in which by a combination of circumstances they are made the instruments of a kind of social oppression and injustice. They have my sympathies to some extent. I regard them as Hindus. They are the people to whom Vasishta, Vamadeva and Viswamitra belonged. Jamadagni and all those whom Mr. Rajagopalachariar will honour as much as I do also belonged, to the same faith. To conclude from this that what was good for them is bad for us and must be discarded for that reason, is bad. All our orthodox friends are of that ancient opinion. They are not to be despised as sinners. They are not to be condemned as tyrants. They are not to be dismissed as people who are permanently and irreconcilably opposed and therefore cannot be taken into consideration on these matters. No. I dissent from that view. They are deluded and misguided as they are standing in a position from which the world has gone far beyond; they are still upholders of an ancient tradition. To the honour—that is not the word which my Hon. Friend, Dr. Rajan, would allow—and the sympathy of that position, they are entitled to. I say, therefore, that in any measure that you adopt, you should go forward with care and not treat them as though they are the criminals of the land on whom the trustees or the commissioners of Government may lay strong hands. They are people in possession both of the temples and of their follies. Let us cure them of their follies; but let us do so upon terms which may be considered honourable by them.

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"There is just one word more which I must ask the leave of the House to say. In doing so, I tender my apology before anybody objects. Sir, the proposal that we make now, that we should indemnify people who are the soldiers appointed by us in the work of social reform, may easily be applied to-morrow by this very Government to another purpose. Social reform is not the only reform to which we are wedded. We are committed to reform of every kind. Are we not committed to agrarian reform—an age-long grievance under which the tenants suffer from zamindars in certain areas? Mighty volumes have been written; great men have broken their hearts over the condition of the peasants in this Presidency. If to-morrow, becoming twice as strong as he is to-day, my Hon. Friend, Mr. Prakasam, goes into the Telugu areas and says, 'Take your rights from the zamindars by force,' when he comes here his Friend, the Premier, will say, 'These fellows have committed illegal acts. No doubt they are illegal acts, but they have done it in pursuance of a reform to which we are committed.' Agrarian reform has been on the tapis for a very long time. It has not yet been effected. A Committee has sat, but Mr. Prakasam knows as well as I do that redress is still far-off, supposing Mr. Prakasam is too law-abiding a person. (Laughter) But another, committed as he is at heart to the position of the tenantry as against the zamindar, would incite them to rebel against the zamindar and take from him what they consider to be their right. Could he not come to us and say, 'Well, indemnify these fellows. They have done it all in good faith. It is theirs. It ought to have been theirs 200 years ago. These zamindars, according to the phraseology of a recent historian, are only the paid servants of Government.' (Laughter) I would not lay more emphasis on this point. That is the position to which logic would drive us. Of course, the Hon. the Premier may turn round and say, 'Don't talk logic to me.' I am not talking of logic. I am not going to be guided by logic. (The Hon. the Premier: 'Hear, hear.') (Laughter) This Premier is not going to be always there. There may be another taking his place. He may get tired. I wonder how his nerves stand this strain. He may be retiring even in this month of August (Laughter) when another Premier comes and says, 'My predecessor has laid down the lines on which social reform and agrarian and economic reform ought to be done.' There is the Indemnity Bill which the Assembly granted easily by a huge majority the other day. This servile Council will even grant it by a bigger majority."

SRI B. BHEEMA RAO:—"Is 'servile' parliamentary?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It was a joke."

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THE RT. HON. V. S. SRINIVASA SASTRI:—"It is not an unparliamentary word. I should have used the word with greater purpose as regards the other House; but that would have been political blasphemy."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I rise to a point of order. Any reference either ironical or otherwise to the character of the other House in these terms is really objectionable. If my Rt. Hon. Friend once says it, every one will consider it proper afterwards."

THE RT. HON. V. S. SRINIVASA SASTRI:—"It will become a precedent and therefore I drop it. The ease with which an improper method is adopted for the securing of a great reform is one of the great dangers to which the Congress majority must be sternly alive. The majority must shake itself every moment and say, 'I am too powerful in the land. I have crushed all opposition. There is nobody there to say me "Nay." Double and treble therefore is my responsibility.' When they take one step forward they must look about and care for the small and lean man more than they would care for a brother member. Restrained by such considerations, the Prime Minister would not have brought this Bill either to the Assembly or to this House." (Applause.)

DR. SIR K. V. REDDI NAYUDU:—"Mr. President, at the very outset, permit me to say that I whole-heartedly support the Bill. As one who has given his assent to the Malabar Temple Entry Bill, I have no other course. At this stage, if I may call this a stage after the masterly speech delivered so admirably by the hon. Member, it is rather difficult for one to add any comment. The hon. Member was vehement, and though I too can be vehement, I cannot claim to reach that diction, that style and that reasoning power of the hon. Gentleman who holds such a high position in society. Sir, we have a duty to perform here; we have a duty to our country, a duty to ourselves which does not permit us to sit in silent admiration in which I have been caught to a certain extent. And I have felt that the speech, logical as it is, reasonable as it is, is yet lacking in what may be said a scheme, or a plan, or an alternative scheme. It may be true, perfectly true perhaps, that the Hon. Premier both in his speeches and the very form in which he has brought this Bill before us, in the very fact of his having obtained an ordinance from the Governor, lays himself open to criticism. But what is the remedy? Both my esteemed friend and Mr. Srinivasa Ayyangar and many others outside this House have told us from the house tops, from the platforms and in the Press, 'We are entirely in favour of temple entry.' And my esteemed friend has gone further, 'Centuries have rolled by, ages have gone by, why can you not wait for one

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or two years more?' Is my friend certain that if this Bill is not pressed now, the matter could be settled in one or two years? What is the guarantee that some more ages, some more centuries will not hereafter roll by without justice being done, without this injustice being relieved, admittedly going on for centuries? Somebody will have to take the things into his hands. Let me say that the Hon. Premier has taken the courage into his hands, withstood the criticism that has been levelled against him, taking the blame upon himself, the blame to the effect that he is illogical, that his methods were not all those that have been hitherto approved. But, Sir, somebody will have to do it. And he has done it.

"We want, Sir, what is just. I have opposed the Hon. Prime Minister on several occasions,—perhaps I can claim to be the worst critic in this House—on very, very important Bills on which he had set his heart. I go a step further, I am going to criticize him hereafter as well if I feel the need for it, if my conscience tells me that he is wrong—eventually he may be right, and I may be wrong. But on this particular occasion our friends who have criticized the Hon. Prime Minister have not given us an alternative remedy. It is all well and good to say that the indemnity or the reasons for indemnity are not similar to those that have been used hitherto. There has been no breach of the peace on the part of the Harijans or on the part of the orthodox people in order to indemnify these officers or the Endowment department or the officers of the temple. But what is the remedy? Is the Hon. Prime Minister after all this profusely expressed sympathy to hand them over to these courts of law, submit the people on the one side and officers on the other to all the hardships and the expenditure which we know to be the result of all these litigations? And after all, this is not the first time that the Prime Minister expressed his opinion on the matter. When he brought the other Bill the principle has been accepted by both the Houses of Legislature. With what grace, with what sense of justice, with what sense of responsibility can the Hon. Prime Minister hold his hands and sit tight and say, 'Let the courts decide'? Twenty years ago, no doubt, some things happened. Worse things happened. My esteemed friend from Madura was giving us a very graphic description of the murders that took place but the very facts that no murder has taken place on this occasion, the very fact that a single blow has not been dealt to the Commissioner or to these depressed classes, that the *bhattars* were willing to render the services in the temples, when these people went in . . . (Interruption.)

"That leads me to the other question—public opinion and numbers. Well, we all know what numbers are. We all know

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what public opinion there is. But yet that public opinion cannot be altogether ignored. It is true that it is the educated section in this country, most of them English-educated, that create opinion in this land and shape public opinion. It is true that the gentlemen sitting on the other side are there to create public opinion. It is equally true some feeble public opinion is always tried to be created on this side. Our newspapers also create some public opinion. But to say that it is a real public opinion, that it is such as exists in Europe or America, is not correct. There are millions of men, millions of women who have absolutely not heard the words 'public opinion' in this country. And yet, Sir, we have to progress. We have to get on. We have to remedy wrongs, admittedly age-long wrongs. And where is the wonder in this?

"I was reading in the Press a speech to the effect that the Hon. Prime Minister did not care a fig for the sanatanists' feelings. *Sanatana dharma* is unchangeable, history tells us. But there is a misreading of history. *Sanatana dharma* has existed from the time of the Vedas, from the time of the Upanishads, right up to our time. But every year, almost at any rate in every generation, there has been change after change coming over. Have hon. Members forgotten the story of the man who afterwards became the Prime Minister of Delhi, the *shastraic* adviser of Janamejaya who found that the marriage was so loose that it was not *sanatana dharma*? He only just wanted to know whether a woman in the house . . . It was the house and the son objected to it. The father said, 'My son, it is right.' Will any Hindu admit that to-day? Was it not abolished, Sir, in the times of Janamejaya himself? Then, what about the numerous things that have happened? Does *sanatana dharma*, for instance, say that a marriage should be performed only by a Brahman? Twenty years ago when I performed the marriage of my daughter, articles appeared in the newspapers because I did not call in a Brahman *purohit* but I called a non-Brahman *purohit* for the purpose. We were told that the marriage was illegal. (Laughter) We were told that the child will be illegitimate. We were told that the parents' property will not go to the offspring of the marriage. But, Sir, the reform has been silently effected. Not only that marriage, but subsequent marriages in my house and for that matter in the houses of many of my friends have been performed by a non-Brahman *purohit*. What became of the *sanatana dharma* there? And why should not similar rules apply here, when the nation finds that a particular section reserves to itself the rights which ought to belong to the entire nation as has been stated by the Hon. Prime Minister, when the nation finds that some people—standing unjustly and wickedly between man and his God, say, 'I will not allow you to approach the God'?

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"My friend stated that he does not attend temples. Sir, in my own humble way I do attend temples. Perhaps there is not a single temple in the whole of Southern India which I have not visited. And there is not a single occasion in my own town of Rajahmundry that I did not actually go to the temple and worship there. I am not boasting; it is a fact. Everybody knows it. And if any doubt is felt in the matter and if I may mention it, I may say that Lady Kurma is also a regular worshipper in temple. I was obliged to say that to show that there are men who actually attend these temples, who know and feel it very strongly.

"There is the grave injustice done to these persons. Our friends admit that. But with all the profusion of sympathy they come forward to oppose a Bill like this. They do not suggest an alternative. I do not myself suspect their sincerity but the general public will not be unjustified, cannot be said to be unreasonable, if they begin to suspect the sincerity of those who profess sympathy and yet stand in the way of remedies sought. Sir, agreeing with my friend Mr. Srinivasa Ayyangar, I should have been very pleased indeed if the Hon. Prime Minister took the courage in both his hands and straightaway said, 'Well, this nonsense will not do. I will not allow it. Here is a decree from the Government of Madras, assisted by the parliament legally constituted. There shall not be any objection for any depressed classes man to come in.' That would have been a straight course and a very reasonable course, too. But unfortunately, or fortunately as I would say, he has become too cautious. On occasions, if you will pardon me the word, he is too rash. But on this occasion he is particularly cautious. He does not want to create any row in the country. (Laughter) He does not want that the priests should refuse to work if these Harijans are permitted. He does not want to hurt the feelings of the sanatanists and as my esteemed friend has spoken, both the Hon. Prime Minister and his principal critic to-day belong to that class. There is the trouble, there is the rub. But, Sir, if the old saying is true that 'half a loaf is better than no bread at all,' I for one, Sir, cannot think of opposing this Bill.

"My esteemed friend's second suggestion was—that was a sort of alternative: why not pass your law straightaway and throw open all the temples? That was what Mr. Srinivasa Ayyangar said. The second suggestion that was thought perhaps more reasonable was: why not appoint a committee, a committee of respectable men, erudite men, consisting both of sanatanists and reformers and the middlecourse men like my hon. Friend there, and then come to some decision? Sir, I remember having heard it said in this Council or elsewhere that the best way of consigning a problem to the archives of the State is to appoint

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a committee. It is admitted that this is an age-long wrong. It is admitted that for centuries and centuries this injustice has been going on and when at last a man rises and says, 'I will do this,' I think, Sir, it is very unfair, very unjust, contrary to your own conscience, and contrary to the progress of the nation to oppose it. Do they expect this country will ever remain like this—the sanatanists? Do they expect that they can stand between man and God in the temples? Do they expect that they can have all the proceeds from the temples by whatever means may be—endowments on the one hand, gifts on the other and vows and all that kind of things? Well, Sir, the spirit of the times does not allow it. We have progressed up to a certain stage when it is impossible to halt. You cannot but do this reform.

2 p.m. "There are others who remind us that this particular reform is quite essential. Everybody admits without any exception that a great wrong is done to the depressed classes in their not being allowed entry into temples. So if this reform is not done, and if I object to this reform, I would be failing in my duty and the nation would be failing in its duty."

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

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

1. Notification appended to G.O. No. 987, Development, dated 17th April 1939, confirming an amendment to rule XV of the rules issued under the Madras Co-operative Societies Act, 1932.

2. Notification appended to G.O. No. 1067, Development, dated 25th April 1939, amending the Madras Commercial Crops Markets (Election) Rules, 1935.

3. Notification appended to G.O. No. 1234, Development, dated 10th May 1939, amending the Madras Commercial Crops Markets Rules, 1935.

4. Notification appended to G.O. Ms. No. 1985, L.A., dated 16th May 1939, directing that the Chirala Municipality shall be abolished with effect on and from the 1st June 1939.

5. Notification appended to G.O. No. 1402, Development, dated 29th May 1939, publishing a rule under sub-section (1) of section 4 of the Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933).

* 6. The Madras Temple Entry Indemnity Ordinance (Ordinance No. 1 of 1939).

* Sent by post.

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APPENDIX.

[Vide item V at page 17 supra.]

L.A. BILL No. 17 OF 1939

(As passed by the Assembly)

A Bill to authorize and indemnify trustees, officers and other persons in respect of entry into and offer of worship in Hindu temples by certain classes of Hindus who by custom or usage are excluded from such entry and worship.

WHEREAS there has been a growing volume of public opinion demanding the removal of the disabilities imposed by custom and usage on certain classes of Hindus in respect of their entry into and offering worship in Hindu temples;

AND WHEREAS it is just and desirable to authorize the trustees or other authorities in charge of such temples to throw them open to, and permit, persons belonging to the said classes to enter into and offer worship in such temples, and that no person should suffer any civil or criminal penalty or disadvantage by reason of anything done in connexion with such entry and worship;

AND WHEREAS a situation has arisen in the city of Madura and elsewhere in the Province of Madras in which it has become necessary to indemnify and protect officers of Government, trustees, priests and other persons in respect of acts done, steps taken or alleged failure of duty on the 8th day of July 1939 and thereafter of the nature aforesaid;

It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Temple Entry Authorization and Indemnity Act, 1939. Short title and extent.
- (2) It extends to the whole of the Province of Madras.

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Indemnification of officers and other persons for certain acts, etc.

2. No officer of Government, no executive authority, officer or servant of any Local Board or Municipality, no trustee, officer or other authority constituted or acting under the Madras Hindu Religious Endowments Act, 1926, or any other law, no priest or person officiating as such and no person entering or offering worship or assisting or acting under the authority of or with the permission of such officer, servant, authority, trustee, priest or person officiating shall be prosecuted, sued or otherwise proceeded against in respect of any act done or step taken or any alleged failure of duty on the 8th day of July 1939 or on any subsequent date up to the commencement of this Act, in furtherance of, or in connexion with, the entry into and offer of worship in the Sri Meenakshi Sundareswarar temple in the city of Madura or any other Hindu temple in the Province of Madras by any person belonging to classes of Hindus hitherto excluded by custom or usage from such entry or worship;

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and all officers, servants, authorities, trustees, priests and other persons aforesaid are hereby indemnified and discharged from all liability in respect of all such acts, steps and alleged failure of duty.

Throwing open of temples in certain circumstances.

3. If in the opinion of the trustee or other authority in charge of any Hindu temple in the Province of Madras the worshippers of such temple are generally not opposed to the removal of the disability imposed by custom or usage on certain classes of Hindus in regard to entry into or offer of worship in such temple, such trustee or other authority may, with the approval of the Provincial Government and notwithstanding anything contained in the Madras Hindu Religious Endowments Act, 1926, or any other law, throw open the temple to such classes and thereafter persons belonging to such classes shall have the right to enter into and offer worship in such temple:

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Provided that in the case of the temples specified in the Schedule to this Act and other Hindu temples in the Province which have been thrown open to the classes aforesaid before the commencement of this Act,

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such approval shall not be required and the said temples shall be deemed to have been thrown open to the classes aforesaid under the provisions of this section.

Explanation.—If more persons than one are the trustees or constitute the other authority in charge of the temple, a majority of them shall be entitled to decide and act in terms of this section.

4. No person who enters or offers worship in any temple thrown open or deemed to be thrown open under the provisions of section 3 shall by reason only of such entry or worship be deemed to have committed any actionable wrong or offence or be sued or prosecuted therefor.

No actionable wrong or offence committed by entry or worship in temples thrown open.

5. No suit for damages, injunction or declaration or for any other relief, no prosecution for any offence, and no application or other proceeding under the Madras Hindu Religious Endowments Act, 1926, or any other law shall be instituted in respect of any entry into, or worship in any temple thrown open or deemed to have been thrown open under section 3, on the ground that such entry or worship is against the usage or custom which excludes certain classes of Hindus from such entry or worship; and no suit or other proceeding shall be instituted in respect of such entry or worship on the ground that there has been any irregularity or failure in complying with the provisions of section 3, without the previous sanction of the Provincial Government. No suit, prosecution, application or proceeding of the nature aforesaid instituted before the commencement of this Act shall be continued thereafter without the sanction of the Provincial Government.

Sanction for institution or continuance of action.

as Act 1927.

6. In section 40 of the Madras Hindu Religious Endowments Act, 1926, after the words and figures "Subject to the provisions of the Malabar Temple Entry Act, 1938" the words and figures "and the Madras Temple Entry Authorization and Indemnity Act, 1939" shall be inserted.

Amendment of section 40, Madras Act II of 1937.

as Act 1927.

[7th August 1939]

SCHEDULE.

(See proviso to section 2.)

1. Sri Meenakshi Sundareswarar temple, Madura.
2. Sri Kudalalagar temple, Madura.
3. Sri Sundararajaperumal temple, Valayapatti, Melur taluk, Madura district.
4. Sri Kalamegaperumal temple, Tirumohur, Madura taluk, Madura district.
5. Sri Brahadeeswarar temple, Tanjore.
6. Sri Tirukuttalanathaswami temple, Courtallam, Tenkasi taluk, Tinnevely district.
7. Sri Kasi Visvanathaswami temple, Tenkasi, Tenkasi taluk, Tinnevely district.

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, 8th August, 1939.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Communal rotation in services.

* 8 Q.—MR. J. A. SALDANHA: Will the Hon. the Prime Minister be pleased to state whether the communal Government Order as to the rotation in which the representatives of several communities are to be appointed in the services is still in force and is to be enforced in future?

THE HON. SRI C. RAJAGOPALACHARIAR:—"Communal representation in the services is governed by rule 7* of the General Rules for Subordinate Services. There is no proposal to alter the communal rule."

MR. J. A. SALDANHA:—"May I enquire, Sir, whether the Government have ascertained that the communal Government Order is carried into effect at present, especially in the case of Indian Christians?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The Government are under the distinct and clear impression that it is being carried out to the letter because, especially if there were any lapse or failure, such matters would be brought to our notice immediately by the concerned parties."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I ask, Sir, whether the communal rotation rule is being observed in the appointment of Honorary Medical Officers and Assistant Public Prosecutors?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"No, Sir."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I know why, Sir?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It would be obvious that in taking the services of Honorary Medical men, we will have to look not to communities but to previous service and those who would be capable of giving the best

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service and the best advantage to the persons concerned, that is to say, the patients and the institutions. With reference to the Assistant Public Prosecutors, the cadre represents the old Prosecuting Police Inspectors and I do not think it would serve the best interests of the prosecutions if we apply the communal rule there. But the communal proportion is always kept in view even in these matters."

SRI DIWAN BAHADUR R. SRINIVASAN:—"May I know, Sir, whether according to this rule, a member of the scheduled classes after entering service will be seriously affected because of his conversion to some other faith and will his appointment be given to candidates of other communities because of his conversion?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am afraid that we cannot penalize one who has already got an appointment or a piece of property on the basis of his original faith, simply because of his subsequent conversion. It is impossible to penalize a convert on that basis. But in regard to fresh recruiting, those who have been already converted will be appointed according to the communal rule but when once a man has found his place it is impossible to interfere with his position because of his subsequent conversion."

SRI DIWAN BAHADUR R. SRINIVASAN:—"May I ask, Sir, whether in the case of a scheduled class member thus affected, his claims will be considered and given the next chance?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It would not be mathematically possible and because a man has got other places on account of his caste or community, it could not again be revived. It is unfortunate, but such cases are extremely rare and I am surprised that the hon. Member is exercising his mind over such matters."

Compulsory retirement and hardship caused to Government servants.

* 9 Q.—MR. J. A. SALDANHA: Will the Hon. the Prime Minister be pleased—

(a) to place before the House the most recent Government Order in regard to the compulsory retirement of Government servants (non-gazetted) at a particular age

and to state—

(b) whether such of those as would be entitled to retention up to the age of sixty, were given previous notice as to the enforcement of the new rule;

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(c) if not, whether Government have received complaints on the alleged hardship on account of the sudden enforcement of the new rule; and

(d) what action Government have taken or propose to take on the representations by way of a solatium or compensation?

THE HON. SRI C. RAJAGOPALACHARIAR:—" (a) A copy * of G.O. No. 16, Finance, dated 20th January 1939, is laid on the table.

" (b) No non-gazetted Government servant had any right to be retained in Government service up to the age of 60 years. A ministerial servant could be retained in service after attaining the age of 55 years only if he continued to be efficient and extensions could not be granted for more than one year at a time. Executive instructions had also been issued stressing the necessity for exercising great care when granting such extensions. As under the old rules a ministerial servant could be retired on attaining the age of 55 years, no previous notice was given when the age of compulsory retirement was fixed at 55 years.

" (c) The answer is in the negative. There was also no sudden change in the rules as in the circumstances explained in answer to clause (b) the grant of extensions was rather the exception than the rule even before the issue of G.O. No. 16, Finance, dated 20th January 1939.

" (d) Does not arise."

MR. J. A. SALDANHA:—"May I ask, Sir, why a man who is hale and healthy and who expects to have extension, is not granted extension, because in many cases hardship is entailed if suddenly they are deprived of extension, while other persons at 59 are given extension up to 60?"

MR. PRESIDENT:—"It is not a supplementary question anyhow."

SRI RAO BAHADUR N. R. SAMIAFPA MUDALIYAR:—"Is it not a fact that the Government recently compelled a man to retire and appointed another man who was more than the age of the person retired?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"If the merits of the case were looked into impartially by the Leader of the Opposition, he will find out the reasons for it."

SRI RAO BAHADUR N. R. SAMIAFPA MUDALIYAR:—"May I know whether the Government are not aware of the merits of the case?"

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THE HON. SRI C. RAJAGOPALCAHARIAR:—"I would like the Leader of the Opposition to give me the particulars of the case."

Income of the Vizianagram Estate and expenditure for repairs of water sources.

* 10 Q.—**SRI P. VEERABHADRASWAMI:** Will the Hon. the Minister for Revenue be pleased to state—

(a) the income of the Vizianagram Estate; and

(b) the expenditure incurred by the estate for repairs of all water sources in the years 1937-38 and 1938-39?

THE HON. SRI T. PRAKASAM:—" (a) & (b) The attention of the hon. Member is invited to Statements III and IV at pages 14-18 and Appendix F at page 20 of the Report on the Administration of the Estates under the Court of Wards in fasli 1347 (1937-38) a copy of which is available in the library of the Madras Legislature. Figures for 1938-39 are not yet available."

Relief for non-agricultural debtors.

* 11 Q.—**MR. J. A. SALDANHA:** Will the Hon. the Minister for Industries and Labour be pleased to state what steps Government propose to take for the relief of non-agricultural debtors as in the case of agricultural debtors?

THE HON. SRI V. V. GIRI:—"The Government have under consideration certain proposals for the relief of indebtedness among industrial workers and the agricultural and fishermen labourers."

MR. J. A. SALDANHA:—"Having regard to the fact that there is widespread depression all over the country, will the Government expedite the measures for the relief of indebtedness?"

THE HON. SRI V. V. GIRI:—"Yes, Sir."

Extension of the municipal area of Mangalore.

* 12 Q.—**MR. J. A. SALDANHA:** With reference to the answers given to my questions Nos. 262 and 263 on 12th May 1939, will the Hon. Minister for Local Administration be pleased to state whether the difficulties in the way of extension to the municipal area of Mangalore have been removed and when orders will be passed on the scheme?

THE HON. SRI B. GOPALA REDDI:—"The matter is still under consideration."

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

II.—THE MADRAS TEMPLE ENTRY AUTHORIZATION AND INDEMNITY BILL, 1939 (L.A. BILL No. 17 OF 1939), AS PASSED BY THE ASSEMBLY—concl'd.

* **MR. S. J. GONSALVES:**—"Mr. President, after hearing the two excellent speeches made yesterday by two distinguished members on this side of the House one is apt to be puzzled in arriving at a decision as to which view is to be accepted, whether the one put forward by the Rt. Hon. Srinivasa Sastri or the other advanced by Dr. Sir K. V. Reddi. I do not claim to have made a sufficient study of the Hindu religion, but I do claim to have heard the utterances and read the writings of persons who have a full knowledge of that religion. I think I am right in saying that according to those men untouchability is not a doctrine of the Hindu religion, but all the same it has arisen and it has grown and established itself in the practice of that religion. Now, the question resolves itself into this; there are two rights: one the natural right and the other the vested right. The natural right is the right of every human being to worship in the House of God with equality; the vested right is the right which has grown upon untouchability where equality is not granted to all and where there are differences in the matter of worship in the House of the Lord. Now the question is whether in this conflict between these two rights the vested right should prevail or the natural right should prevail. An attempt is being made by means of this Bill to give preference to the natural right as against the vested right and it seems to me that when a Government says that there is a growing volume of opinion in favour of the natural right, this House should give its support to the Bill which makes an effort at eradicating the vested right and establishing the natural right. Although this attempt may not be desired by all sections of the Hindu religion, this is being made by the Government in a bold manner, their main aim being equality for all in the House of God. I have much pleasure in giving my support to the Bill."

* **SRI RAO BAHADUR M. RAMAN:**—"I wholeheartedly support this measure. For years, we have been patiently waiting for a reform which will deal with the most cursed system of untouchability and injustice that is perpetrated against one section in the Hindu fold. It has come about with the suddenness of an explosion and the most sanguine of us did not imagine that it would take this turn. When only a few months ago, my hon. Friend, Mr. M. C. Rajah, brought in his Bill, there was a counsel of caution around; the later Bill of the Government, the Malabar Temple Entry Bill, did not also go far enough. This is not a matter for slow progress and for indirect and permissive legislation

11-15
a.m.

[Sri M. Raman]

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and an age-long evil which is eating into the vitals of Hindu society brooks no delay. The Adi-Dravidas have been, as they are even to-day, suffering social indignities and have put up with social oppression all these centuries with commendable patience. Their patience is indeed surprising, for in spite of the Hindu belief that man is the noblest of God's creation, while their dogs could go near a high caste Hindu and a fly from his face could settle upon a high caste Hindu, he was not himself allowed to touch the high caste man and his touch was pollution. The approach of a human being is prohibited. It was that great judge and reformer, Mr. Chandravarker, who nearly a quarter of a century ago observed that in fighting against caste, we were fighting against dissimulation and cowardice; but even now we have not travelled far, so far as one section of our people are concerned.

"Sir, much has been said about the method of entry into the Sri Meenakshi temple at Madura; but I wonder what there is in the method in a matter like this. I submit that it is wrong to insist upon the majority being consulted for the exercise of an elementary right of a certain section of the people and the recognition of such rights. They say that it would have been better if a referendum had been taken. But I would ask, Sir, whether such methods were adopted in suppressing the Thugs or the abolition of *suttee*. If a referendum had been taken with regard to the suppression of the Thugs, many people would quite possibly have opposed it for fear that their revenge would visit them and similarly also the abolition of the *suttees* was brought about by the great sacrifices, unstinting efforts and ungrudging service of that great reformer, Ram Mohan Roy. The majority of the people are all in favour of such legislation; but there is a section of the community which advocates the slower method, the method of referendum. It is easy for those that are enjoying all the privileges, to caution the others that are not in enjoyment of it, of the dangers of speeding; they could well say that the others could wait. It is just like the request of a person asking for fire to light his cigar of the one whose beard is ablaze, instead of trying to help him to put it down. They are suffering and they should not be allowed to suffer yet. I am not satisfied with this Bill and feel that this does not go far enough. The Government ought to have brought in a Bill for the whole Province allowing all the Adi-Dravidas to enter all the temples; and a punishment of not less than six months hard labour should be provided for those who offer them any kind of obstruction in the exercise of their rights. (Hear, hear.) However, Mr. President, I do not want to take up the time of the House; though it is a modest measure, I congratulate the Government on their courage and promptitude in discovering a solution for this age-long evil."

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SRI V. GANGA RAJU:—"Mr. President, most of the speakers yesterday were agreed more or less on one point and that is that the Harijan's entering the temples was not objectionable and that they were eligible to enter the temples. But they said that the time is not yet ripe for it and it is not time enough for us to bring in this legislation now. We have to take account of the fact that this is an age-long oppression which has been inflicted upon the innocent and the dumb millions. The question of time does not at all come in. Further, is there any greater sin than standing between man and God? I say that nobody can stand between man and God. But some people on the strength of custom or something else are pretending to stand in their way; but they are not really standing in the path leading man to God.

"Our revered friend, the Rt. Hon. Mr. Sastri, said that it is not logical; that this reform was not logical and the introduction of the Bill was illogical and irregular. Do you think, Mr. President, that logic leads us anywhere? If at all it leads us anywhere, it leads us to doubts and uncertainties. I remember the story of the logician and the cup of ghee. A doubt entered his mind as to whether the vessel is supported by the ghee or the ghee is supported by the vessel and it is all known how that doubt was resolved. So also there are two sides to a case. So far as logicians are concerned they could argue both; one would say that there is God and the other would strain every nerve to prove that there is no God. I think we should not depend upon logic for dealing with questions of this sort; they should be viewed from the humanitarian point of view. Were they not oppressed for a number of centuries and are they not being kept at a distance from the temples and other institutions of the Hindus?

"My hon. Friend Mr. Srinivasa Ayyangar, said that we should not transgress the customs and usages of the past. I admit that these are customs and we have been following them so long. But were there not customs in the past which by the reactions of the changing times had been given the go by? Was not polyandry a custom in the ancient days? Does that hold good now? If anybody says that it ought to hold good now, you will laugh at him. It was all right then but when circumstances change and when times change, we have to adopt certain changes in our customs and that is how I will ask him to take this change. In those days, ladies were burnt along with their dead husbands and when Raja Ram Mohan Roy brought in that reform there was much opposition. But now, Sir, do we not think that he was a great reformer and a great man to remove that custom? We are here to help the country and we should not care so much for the old customs and for what people would say. Posterity will judge us right and it will not be long before even the faint criticism of those that are opposing the measure will vanish. We have travelled far

[Sri V. Ganga Raju] [8th August 1939]

from the Vedic age to the Smritis and we are now in the Puranic age. All these customs obtained in those days. Even in the house of the Brahman of those days, they used to prepare certain dishes of meat at certain ceremonies; now they have given it up and they hate it. Do not all these show that there are changes at every stage to which society has all along adapted itself and now the time has come for effecting this change?

"My friend also quoted the judgment of Their Lordships, Justice Benson and Justice Boddam. At the same time he admitted that we are here to make laws. I ask him, when we are here to make laws, is it just that we should be guided by the judgment of the judges? We have to judge ourselves and we are the judges ourselves. We in that capacity are going to make laws for the benefit of the country. The judges are there to carry out our laws and it is not we that have to be carried away by the judgment of the courts.

"Mr. Srinivasa Ayyangar said that he was not objecting to the reform but observed that a sudden reform of this type would upset the minds and touch the tender sentiments of the sanatanists. Do you think that the millions, who have been oppressed all these centuries, are insensible to all the indignities that have been heaped upon them; were not their susceptibilities touched all these years and is it only the susceptibilities of the sanatanists that are being touched now? Would not their feelings be touched when they had been told to stand away from their brethren? They work for you; they toil for you for the building of your temples and other institutions. But when there is to be a function there or a puja is to be performed, he is not wanted and he is asked to get away. Is it not a sin? Have you not been treading upon their sentiments all these centuries and now is it given to you to come and plead only for the sentiments of those who, you think, are cultured not caring for the unexpressed agony of the millions?

"Our revered friend, Rt. Hon. Sastri, referred to the trustees. My submission is that they are entrusted with some work and they should discharge that duty for the benefit of the trust which they have been entrusted with. And for performing that, sometimes they would have to change. If some students are entrusted to our care, we have to give them proper education and advice and at the same time when they are suffering from fever, we should have to look after their comforts; they may think that the medicine we are giving is bitter but we have to administer it, our reason being that we do it not for our own advantage but for that of our wards. So also, this legislation, though at present it displeases some people, is for the ultimate good of all and in that spirit only it has been brought up. Let me conclude, Sir, by congratulating the Hon. the Premier on bringing this reform before this House. The Bill has my wholehearted support."

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* SRI A. RANGASWAMI AYYANGAR:—"As one who has an almost first-hand knowledge of the events that led up to the historic incident of the 8th July of this year in Madura, I am bound to say a few words in vindication of the honour of the great and selfless workers in Madura. It has been stated that the events took place in a surreptitious manner; it was a *zulum*; it was a fraud; it was not temple entry but temple intrusion. That was the language used by a colleague of mine, who comes from the same district as I come from. I wish to state in a simple business-like manner in chronological order the events which ultimately led up to the 8th July affair. The history of this matter dates back from the year 1932. I wish my Rt. Hon. Friend, Mr. Sastriar, my master, had not suggested the repudiation of the Poona Pact on the ground of moral coercion. To a large mass of Hindus the word of Mahatma Gandhi is law; it is more binding than the canons of Sastras themselves.

"But that apart. During the course of the fast in 1932 11-30 Mahatma Gandhi issued a statement from Yerrawada prison a.m. signed in Tamil and in English which runs thus:

"It has been a matter of increasing joy day by day to find great ancient temples being opened to the so-called untouchables and thus becoming purified. This one fact among many others has been a great sustaining force during these days of agony of body, mind and soul. But the joy about the opening of temples has not been unmixed with sorrow that the South where my work on a larger scale amongst untouchables began, though in South Africa, has not been as prompt and generous in throwing open the gates of temples to the outcastes. Speaking as a Hindu, striving to find and to live up to the very essence of it, I say without the slightest hesitation that God will be installed in the idol of the temples only if they are thrown open unreservedly to the outcastes. To-day with the human outcast, God himself is an outcast."

At the bottom of this letter Mahatma Gandhi has signed his name in Tamil and in English, dated Yerrawada prison, 25th September 1932.

"In pursuance of this appeal the citizens of Madura at once began to circulate an influential statement signed by respectable leaders of the town including the leaders of the sanatanist movement. Mr. T. C. Srinivasa Ayyangar was one of the signatories of that statement. And my friend, Mr. K. R. Venkatarama Ayyar, who now leads the sanatanists was also one of the signatories of that statement, and not only that, at the end of that statement, he has added the following postscript:—

"In the imperative interest of national unity and Hindu solidarity I am signing this appeal after anxious consideration."

Besides these two gentlemen there were several respectable and eminent citizens of the town who signed that statement. And in pursuance of that appeal to the people that the South India temples

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should be thrown open to the Harijans, on the 7th October 1932 at a meeting of the Madura Devasthanam Committee the following resolution was moved and passed:—

'In view of the strong public support in favour of removing the disabilities under which certain classes of Hindus are suffering in respect of entry into the temple under our jurisdiction, and for admitting those excluded castes into the temple along with other Hindu devotees, the Committee feels that steps should be taken to give effect to this just and reasonable desire, but the Committee is of opinion that under the existing law it is beyond the powers of the Committee to make the innovation. The Committee therefore recommends the early introduction of legislative measures to remove the disabilities.'

At the foot of this resolution the members of the Devasthanam Committee have signed their names.

"Later, in 1933 at the instance of the Harijan Sevak Sangh a regular referendum of all Hindus who are entitled to attend the temple was taken, as a result of which it was found that 80 per cent were in favour of temple entry. That was an unofficial vote. Then on the 6th January 1933 membership of the Committee was thrown open to election by the Government. There were six seats vacant, and the election to the six seats was fought on the specific issue of temple entry. There were two parties who contested the elections. The Harijan Sevak Sangh and the Agama Sabha contested the elections; and you will be surprised to learn that all the seats were captured by the Harijan Sevak Sangh. Seventy-nine per cent of the votes were in favour of the temple entry. The matter did not stop there. Immediately after the elections in January 1933 the Devasthanam Committee sent a telegram to the Governor and the Viceroy which ran thus:

'We the Meenakshi Devasthanam Committee members, Madura, recently elected, after pledging support to temple entry for Harijans unanimously request the Viceroy to accord sanction to Dr. Subbarayan's Bill for temple entry and to that of C. S. Ranga Ayyar. Previous Committee also passed resolution expressing the same opinion but pleading legal difficulties. Public opinion overwhelmingly demands reform.'

This was in January 1933. Then on the 14th January 1934 a formal resolution was passed by the Devasthanam Committee in favour of temple entry. Then the Municipal Council of Madura, which is an elected body, unanimously passed a resolution congratulating the Maharaja of Travancore on the famous Temple-Entry Proclamation. And then came the events of 1939. From June 1939, when the Harijan Conference was held, up to 8th July 1939, numerous meetings, attended by a large body of worshippers, were held in Madura day in and day out, in the morning and in the evening, in street corners and in public maidans. All these showed that the public of Madura welcomed the proposal to throw open the temples, and it was also openly given out that the Harijans were going to enter the Madura temple within a particular date,

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it seems it was said 'within the 15th July.' Then a specific resolution on temple entry was passed unanimously by the Madura Municipality as well as the District Board, Madura.

"I am only mentioning these things to show that it has not been done without preparation or without previous consultation of responsible elected members. Therefore, it is too much to say that it has been done surreptitiously. What is the meaning of 'surreptitiously'? Does it mean that the trustees or the constituted authority of the temple were not given previous notice of temple entry? Does it mean that there must have been a public notice of the entry that it would take place on such and such a day at such and such an hour? If a public notice had been given, surely thousands and thousands of people would have come to witness the entry; and then the sanatanists would say: 'Oh, you came in your thousands and overawed us with your numbers, and therefore we could not do anything.' I therefore say, Sir, that the thing was not done surreptitiously or stealthily. It was done in an humble manner just as any other persons who believed in temple worship would have done it. After that, the pujas were performed as usual for a day. It was subsequent to that an opposition to the temple entry was organized and engineered. I say it was organized and engineered, because I know the opposition was not spontaneous. Such of the few Brahmans who were still going to the temple for worship were picketed and directed not to go to the temple. Leaflets were broadcast and distributed in the Madura town predicting unknown sins on temple goers in foul language. It is only after that that people are not going to the temple. The temple premises and the Pottamarai tank premises which used to be utilized for religious discourses by the orthodox people came to be utilized as a sort of club by the Vaidiks to discuss their own affairs. This was prevented by the trustees just a few days before the temple entry event. Therefore, the absence of a large gathering of the Vaidiks was due not to the temple entry so much but due to the previous notice of the trustees prohibiting such gathering of the Vaidiks. Therefore the normal sight of a large number of Vaidiks squatting in the temple premises is now absent. Therefore, I say there is absolutely nothing secret about the temple entry event. The whole affair was done quite *bona fide* and was generally known and not shoved suddenly on the public.

"Then, only one word about what the Rt. Hon. Sastri said. It is very difficult for one to oppose him at very close quarters. (Laughter) The dazzle of his eloquence is now spent out, because we have now passed 24 hours. (Laughter) We feel that many of us have been taken off our feet by his delivery, mastery and great diction which accompanies his speech. (Laughter) It

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reminded me of a learned judge, who was delivering his judgment in favour of one party, but unfortunately at the end the decree was in favour of the opposite party. That is the effect of the Rt. Hon. Sastri's speech. For, what does he say? He concedes that this custom is a pernicious thing and that this pernicious custom is sitting over us like an incubus and contracting our hearts. And then he says, 'Our customs are the instruments of social oppression and social tyranny which we must all repudiate with all our heart. These sanataniists are deluded and misguided people.' And after these expressions coming from him, one would have thought he wholeheartedly supported the Bill. But his verdict was the other way. He pleaded for toleration and patience towards these misguided people. But I would ask him this question: What about the millions of people who have been denied this solace, the spiritual solace of going to temples? Does not his heart throb in sympathy with those hundreds and thousands of people for this ancient wrong even as he extends his sympathy to the sanataniists, who on his own saying are misguided, unreasonable and ignorant people? Therefore, Sir, I wish my great master, the Rt. Hon. Sastriar had thrown the weight of his influence in favour of this Bill. As Dr. Sir K. V. Reddi himself pointed out, he has no other alternative. At one stage he pleaded as an assessor did, who while returning a verdict of guilty, pleaded for mercy. That seemed to be his attitude towards the sanataniists. Finally, Sir, I assert it is not as if the Harijans surreptitiously or without due knowledge or consent of the people entered the temple in Madura."

11-45
a.m.

* THE HON. SRI T. PRAKASAM:—"Sir, I had no idea of taking part in this debate in the earlier stage. I did not take part in the other House, but I am induced to say a few words in reply to what my friend the Rt. Hon. Srinivasa Sastri has stated. I have no quarrel with what he stated with regard to his own feelings in the matter. He was pleading not for himself, and not for those who are already advocating this temple entry reform. He pleaded on behalf of the innocent masses and the custom which the masses have been honouring until now. In reply to this, I would like to point out that the custom ceased to be a custom long ago. The Hindu society has been so slow in the matter of social progress. To my knowledge for over 50 years, or I should even put it at 60 years, i.e., even before I attained the age of discretion, the social reform movement was started in the northern districts copying Bengal. And the leader of the movement was a victim of social persecution until his death, and those of his followers who advocated this reform and who followed his footsteps in practice, also suffered. Social persecution has had its toll. Innocent men and women were sacrificed to this social persecution. It is more than 40 years, I believe Sir, since a poor

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innocent Brahman who was not educated in English and who dined with an England-returned man, attempted to enter the temple and was prevented and thrown out. Then a suit was filed on his behalf; he was a relative of mine; I was his pleader. I examined perhaps a thousand witnesses in the case to show that the custom which was pleaded by those who obstructed him saying that there was a custom, was not existing. Well, Sir, unfortunately or fortunately the party died while the suit was pending; so it became an incomplete record. It did not obtain a judicial verdict. I do not know what would have been the judicial verdict. My hon. Friend, Mr. Srinivasa Ayyangar, has quoted the judgment of the Madras High Court in which a reference was made to the judgment of Justice Benson to show that a custom was to be respected. Custom has been respected in this country more than in any other country; custom has been respected in this country for over a hundred years rather mercilessly, because of the inability of the judges, foreign judges who were sitting in courts, to understand the immense mischief of these customs. So if the custom has not been broken through judicially, it was because of the technical way in which the judges were interpreting custom.

" 'Where is the custom?' I ask. A person who dined with a Harijan is freely admitted into the temple, Meenakshi temple or any other temple. The Rt. Hon. Srinivasa Sastri who has travelled beyond the limits of this country and who has taken his food with other people, would he claim to be the same old orthodox Brahman which his father was? What is the custom? If he could be admitted into the temple, why not the Harijan? Why should he be prevented? (The Rt. Hon. V. S. Srinivasa Sastri: 'Hear, hear. Why not Mr. Prakasam?') Mr. Prakasam! The Rt. Hon. Sastri living on this side of the Presidency does not know Prakasam who was excommunicated on the banks of the Godavari by the Sankaracharya who was taken on the back of the elephant into the temple. Prakasam has been an outcast at least from that date, if he had not been before. I say to my friend, the Rt. Hon. Sastri, that his people to whichever caste they may belong to-day, are not very ignorant people. The orthodox Brahmins, the orthodox men of all other castes, are not ignorant people. They have been quite up to the task during the last generation, 25 years so far as I could gather. There is nothing which they would run away from. So no one need be afraid that they would be invoking the aid of the custom even in the villages. I have got complete faith in our countrymen, in our women, in our old men as well as young men; they will not hesitate to do the right thing when they are given the lead and when they are shown the way. It is only because that was not given until

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now that they have been hesitating. They will be the foremost people to advocate this and remove the slur that has been cast not only upon the leaders but also upon innocent heads, a slur that this community as a whole has been excluding a community which is a part of their own blood.

"What is it? It is conceded, Sir, that this is an evil custom but that we should have some tolerance to the sentiments of these other people. Sentiments vary. Mr. Rangaswami Ayyangar has quoted my friends, Mr. K. R. Venkatarama Ayyar and Mr. T. C. Srinivasa Ayyangar who put their signatures to that manifesto that was issued. Between that date and to-day their feelings have changed . . ."

* SRI T. C. SRINIVASA AYYANGAR:—"On a point of personal explanation, Sir. My friend, Mr. Rangaswami Ayyangar, cannot be unaware of my opinion regarding the merits of the reform; but to quote the opinion regarding the merits of a reform to justify a Bill which in effect invites a breach of the law and surpasses any of the precedents regarding indemnity law, is not a correct quotation. I stand up where I was when I put my signature to the pact. To move in that direction is to conciliate the other sections of the community so that the two sections of the Hindu community may come together. It is not for the purpose of driving out one section of the community and driving in another section of the community that I put my signature to it."

* THE HON. SRI T. PRAKASAM:—"I am sorry I made a mistake. I congratulate the hon. Member, Mr. T. C. Srinivasa Ayyangar, on his holding to his conviction. Now he is pleading only for that community. I may tell my friends, Mr. Srinivasa Ayyangar, as well as the Rt. Hon. Sastri, that the orthodox of orthodox of the Hindu Brahman community must have reconciled themselves to a reform that was to be imposed upon them. There was a time no doubt when they were very superstitious and when they were very orthodox but during the last 50 years the most orthodox of them have changed and if they have not been thoroughly converted, it is only due to the argument that is advanced by Mr. T. C. Srinivasa Ayyangar and the Rt. Hon. Sastri, 'Yes, conceding everything, let us have some regard for them.' They have got every regard for what you say. It is your duty to have told them: 'It is my conviction. You should not stand aloof. Here is a temple to which a Harijan has got as much access, as much right, as any one of us has got.' Instead of doing that, having been trained in the law courts in the one sense, and in a diplomatic career in the other sense, they have not been able to make up their minds. That is how the whole difficulty has arisen. There is no custom to-day that can be called

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really a custom which our ancestors had. In those days they were living a different life, in a different world altogether; they would not touch anybody, they would not eat with anybody. The present education is sufficient, our pleaders in law courts is sufficient, our visit to other countries is sufficient to have destroyed the custom. It is because of the erroneous principle of this custom that has been broken up that the Prime Minister has come in for such severe criticism. The Rt. Hon. Sastri stated that a Government like this is not entitled to be entrusted with the duties of governing the millions of people in a Province. If there is any Government that is entitled to represent the interests of the millions and discharge the duties in the way in which it is doing to-day, it is this Government. It is even said that the Prime Minister has not gone forward, more forward than what he has done. We are anxious and at the same time we are determined to do a right thing and to remove a wrong that has been for centuries together.

12
noon.

"One other point I have and that is about the Indemnity Bill. The Rt. Hon. Sastri quoted his experience of Indemnity Bills being introduced only when the officers of the Government went far in excess of their powers and shot down people or killed people, when to give protection to them Indemnity Bills were justified. If an Indemnity Bill was justified for such an occasion, for killing and murdering, going beyond all the scope of authority, why not the Indemnity Bill be justified in doing the right thing over a social matter such as this? It is a simple matter. The Indemnity Bill has been applied in the mildest possible manner to give protection only to those people who were able to enter into the temple. I have not yet visited the place. That man, Mr. Vaidyanatha Ayyar was marked out by some people who pointed out that he had done a great harm. Mr. Vaidyanatha Ayyar and his wife are people who have been working there with all the care. Has Mr. Vaidyanatha Ayyar alone been able to do it? No. There was the trustee, the Executive Officer, Mr. R. S. Naidu. Much was said about him. Strong men like him are required to manage the institutions which have gone in a wrong way until now and to put them in the right direction. When people like him are to be charged under the law, the antiquated law, decisions are being quoted. The decision that is quoted by Mr. T. C. Srinivasa Ayyangar is a Privy Council decision. What did the Privy Council Judge know anything about the custom here? But the millions of the people have taken the vote in their hands and have got the power in their hands. They have sent their members to both the Houses of the Legislature and commanded them to do the right thing even in religious and social matters. And so, from any point of view it cannot be said that any wrong has been done.

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"This movement and this Act will be followed up all over the Presidency and all over the country and will enable us to see that there is no community like the Harijan community hereafter. What is the Harijan community? What is the scheduled classes community? And Mr. Srinivasan says, 'Give me some protection for my people.' This ought to obliterate all such distinctions. This must be treated as having blended the Harijan into the Hindu community. It cannot be done by any other means than by this Act of Temple Entry. This can be accomplished, and, let there be no more Harijan community or Adi-Dravida community." (Hear, hear.)

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
"Mr. President, as regards the object of this Bill, the throwing open of the Hindu temples of this land to the members of the now excluded communities, there can be no doubt about the attitude of the party which I have the honour to lead in this House. Our aim has all along been not merely the removal of untouchability and all the concomitant disabilities associated with that bane, but to raise all the depressed and backward communities to a position of equality with the more favoured communities. Our object is the obliteration of all distinctions and differences based merely on birth. Now the exclusion of a section of the population from the temples is one of the innumerable humiliations and disabilities to which they are subjected; though we feel that their admission into temples is not by itself going to take them far along the road to political, social and economic salvation, nothing would have given us greater pleasure and more satisfaction than to give our wholehearted support to a measure which unreservedly declared the right of the Adi-Dravidas and other excluded communities to enter these temples without let or hindrance from any one. It would be the knocking down of one of the many barricades erected across the path of progress.

"I wonder if this Bill is genuinely calculated to recognize and accept that right, which in all civilized countries is the inborn and inherent right of every citizen, the right to approach and enter into the place of worship set apart for men of his faith and to adore his God according to the tenets of his belief. Does not, this Bill, on the other hand, at least by implication emphasise the disability, lay undue stress on the concession side of the question and make what is one's due and right appear to be a matter of favour or grace? Anyhow, in the words of my hon. Friend, Sir Kurma, half a loaf is better than none and in that spirit I welcome this measure. Only let me express the hope that the Act will not be used for political purposes and with a political motive. Let not the injustice to which these unfortunate communities have been subjected be exploited to gain political

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ends. I pointedly refer to this aspect, because the history of the present temple-entry move, short as it is, has raised serious doubts in the public mind as to the altruistic motives of the parties concerned. Despite all disclaimers, it is for me hard to believe that the Executive officer of the Madura Devasthanam, Mr. R. S. Nayudu—a great and, in the words of Mr. Prakasam, a strong man—would have taken on himself the tremendous responsibility of going against an age-long custom which has acquired the force of law, unless he has had his inspiration either directly or at least by suggestion from above. Lawyer as he is, he should have been fully aware of the legal consequences of this act under the then existing law. He was exposing himself to a prosecution in a criminal court and a suit for damages in civil courts. Is it to be expected that Mr. Nayudu would have run these grave risks, if he had not had an assurance of immunity, a premonition of the coming Indemnity Bill?

"As regards the Indemnity Ordinance, I will content myself with expressing my surprise that the Congressmen who were indignant about the reserve powers of the Governor under the Government of India Act, should have themselves invoked those powers and caused the issue of the Ordinance. But that is perhaps quite in keeping with the policy of the Government in availing themselves of all those things against which their protests were most vehement while they were out of office.

"What I have said above about the Madura Executive Officer applies also to the Executive Officer at Tanjore and the few other places where temples are said to have been thrown open.

"The Government may not be unaware of the widespread feeling in the country, that this move inaugurated just at this juncture if not with their previous approval at least with their sympathy, has been thought of with a view to diverting public attention from the country-wide agitation which has been raging for some time because of the Government's financial policy and novel taxation proposals. This feeling gains strength from the fact that in other places as important as Madura and Tanjore, such as Tirupati and Negapatam, where the trustees who are directly or indirectly subject to the control of the Government are adopting a *non-possumus* attitude. The Officer at Tirupati bases his refusal not on the absence of public opinion but on the usual plea of custom and the extraordinary argument of Government orders. Would it be uncharitable to imagine that these temples are being kept in reserve to meet future contingencies?

"Just a word about the elastic provision of clause 3, which leaves the initiative to the trustees and requires the blessing of the Government. Sir, all parties excluding the sanatanists are

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one in accepting that the removal of untouchability is essential. These trustees in most cases are persons who cannot afford to disregard the wishes of the Government and may have their eyes opened to the state of public feeling by a judicious inspiration from above. It may perhaps be that this correct sounding of public feeling may occur at a time when a contingency arises. Even so I shall not grudge the advantages which the Government might derive, if thereby my Adi-Dravida brethren are given their long-denied dues.

"I hope that this Act will soon be modified and our Prime Minister will bring an amending Act very soon removing all these restrictions and allowing the temples to be thrown open to the Harijans without any orders of the Government or ascertaining public opinion."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Mr. President, in spite perhaps of what may be called the severe opposition presented by one of our most able public men, I felt that the reception given to this measure in this Bill was a remarkably favourable one. In quarters where I on behalf of this Government have experienced the most tenacious and, if I may be permitted to say so, often the most unreasonable opposition, I found a most generous and unqualified support. I was looking forward to the 'buts' to the very end, but the 'but' never came. (Laughter) I found support which really surprised me and on the whole I thought that in the plan of Providence we were really getting to be very lucky. But lest I should be under any such delusion, the Leader of the Opposition has put in what I might say enough poison to convert the whole of the milk into bad stuff. I am amazed at the shortsightedness of such a kind of imputation. I am amazed at the unreasonableness of such an imputation. I am amazed, Sir, at the utter want of imagination which is the basis of such an imputation. He says that in order that we might divert the public attention from our follies in regard to taxation we have roused the sanatanists and our best and only friends, my own flesh and blood, against us, as if that were the best and cleverest method of diverting public attention and getting an advantage. I promise the Leader of the Opposition that if this measure goes through properly and the temples are opened, I am willing to hand over the Prime Ministership to Mr. Samiappa Mudaliyar."

RAO BAHADUR SRI N. R. SAMIAPPA MUDALIYAR:—"I won't take it."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"What is it that I want to divert public attention from? What end in life or in politics am I fond of? Am I fond of taxing people for the sake of taxation and because I wish to tax people? Are we imposing

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our financial policy and levying taxes upon these unfortunate people who have been hitherto free from such levies, merely for the pleasure of it? It is for doing something else which we think is good. If it is good and if nobody else is to pay, these people have to pay and almost everyone has come to reconcile himself to it. We were just finishing up the rules about the General Sales Tax. I took no notice of the *hartals* and half-door *hartals* that were threatened in the newspapers and the inspired messages about it. I have got figures as to how many people have applied for licences for tobacco. There is no room for fear or for apprehension. There is no need for a man of commonsense to divert public attention in that form. If I had wanted to divert public attention, let me say that even if I were not a master in this art, I have got colleagues who are past masters in the art of diverting public attention, thanks to the wonderful training that we have had in the Congress for the past twenty years, when we were out in the jungle. We can divert public attention in a hundred and one ways. To say that we wish to draw the ire of this country, of those who were before our best friends, to be against us, to be writing things in the Press—all that would impute almost the worst sins to us. This is not imagination; it is wonderful lack of imagination. I wish that the Leader of the Opposition had not been all too easily led into making this kind of opposition. After all we may find arguments. We may look into old books. We may look into old law books and volumes. We may look into the Law Reports. We may look into ancient regulations and bring in some kind of argument, if we want an argument. But, surely, we need not impute base motives such as this which make the taste of even the best act in the world bitter in the mouth.

"I beg pardon if I have said anything too strongly, Sir, in 12-15 this connexion. I am reminded of what the hon. the Leader of p.m. the Opposition himself said of the truth that half a loaf is really better than no bread. At least I think that he has given some support to this Bill. That is half the loaf and I choose to call it so. I am quite content with that half loaf that is given, though it is covered with a lot of unnecessary and malicious package. It is packed as it were in an unnecessarily large amount of motives against this Bill. Tear off that package and take that half loaf put into that bad package. I tender my thanks. After all we want the thing to be done; there is time enough for these mistrusts to be cleared. After all, the thing is done with the help of all parties in this and the other House. It is done with the help of the nation. It is something which is good for the people. It is a gain for the people and for the unfortunate community which is put down as separate people not even fit to be touched.

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Mr. Srinivasa Ayyangar and the Rt. Hon. Sastri also gave their half loaves of bread in spite of their opposition to the method, manner and the law and still they had the grace and the readiness to say, 'We support this measure of removal of untouchability and the opening of temples wholeheartedly. We have no difference whatever on that point.' That also is really to be welcomed. That is another kind of half loaf. Because it is after all the substance of the thing that matters. We can tell the people: 'Never mind if I was wrong; I was hasty; I was even wicked. Here are your people, your best friends. They are learned, experienced and sensible men, men whom you revere. They say this thing should be done.' They need not believe in this Bill. Good men who would listen to Mr. Srinivasa Ayyangar and Mr. Sastri may open the temples without this Bill. If they would only co-operate in that manner that is all that I want. I am grateful for these different kinds of half loaves that we have been getting and for the cordial support of others. It must have cost a great deal to Sir K. V. Reddi to bring himself to support anything that I did. (Laughter) Not that I am not aware of that difficulty in one's mind. But he has got over it and he has said: 'Let me for once have the peculiar pleasure of having given my wholehearted support to my eternal enemy.' (Dr. Sir K. V. Reddi: 'I am an enemy of your principles and not you.') (Laughter.) Worse and worse. I never imagined that he was a personal enemy of mine. He only meant it in the sense he has put it. There is a great sacrifice involved in the unqualified support that he gave. The sacrifice is indicated when he at once gave notice: 'Hereafter I will not support you in every matter. But in this I support you.' (Laughter) This is not half a loaf. That is more than a loaf. It is one and a half loaf. (Laughter) Because it is an endorsement of the correctness of what we are doing from one who is so prejudiced against us that he would like to find out any fault even if it be by a hair's breadth. If from such a quarter we have found support it gives courage to me. It gives courage to us all. There is reason and there must be reason when you find a first-class opponent like the Rt. Hon. Srinivasa Sastri supporting the measure. I do not want to go into the motive. I will give full face value and say that he has given the fullest support that one can possibly give. That is enough encouragement for one to go through bravely in this matter.

"Not only that; I must specially tender my grateful thanks to the Rt. Hon. Srinivasa Sastriyar for another matter. He has stated on a very delicate matter his opinion with which even the Leader of the Opposition seems to be joining though from a

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different angle of vision. Ideas of civil liberty we have seen from all quarters. But that would be distraction. The main trend of the argument is this. I tender my thanks to him because he said, 'Contrary to the views of some of my friends I hold that the Prime Minister was justified in having recourse to an ordinance for the purpose in view.' It is a great thing to have that endorsement from the Rt. Hon. Srinivasa Sastri. I do not mind the Leader of the Opposition's doubts in the matter. I am greatly strengthened by the view of Mr. Sastri. As I have already said, it is plain to anyone who knows the art and technique of Government and administration, that the Legislature is supreme and that the Legislature has the Executive to carry out its policy while in office. The Legislature is not sitting. To wait till the Assembly was summoned would be like the foolish servant who said: 'The tiger is on the rails. I am not able to go to the booking office. Please telegraph instructions to me.' The Executive has to carry out the policy of the Legislature and the will of the Legislature without a moment's interruption or break. It is because of this that in all constitutions in one form or another this power is provided for the Executive. There is nothing to object for those who are students of politics or administration. The country is full of prejudices—prejudices born of religion, prejudices born of custom, prejudices born of antipathy and prejudices born of political movement. Therefore this opposition to the ordinance is a sheer superstition, a prejudice born of the previous political movement, which has no reasonable basis whatsoever. That must be obvious to those who know what Government is and what Government has to be.

"Apart from this, I have only to deal with Mr. Srinivasa Ayyangar in the first instance and the Rt. Hon. Sastri on the merits of the Bill. Mr. Srinivasa Ayyangar raises his eye-brows in horror and says, 'You are infringing the law.' We are not infringing the law. We are making the law. We want the law to be made in order to correct the wrong position. Necessarily we must infringe the previous retroactive legislation and must necessarily come in to correct the previous law, not only to correct the previous law, but also to make the law correct hereafter. That is the object of this Bill. Therefore Mr. Srinivasa Ayyangar should not be surprised at the fact that the remedy that is proposed is contrary to the law existing before. It is contrary to the law, as I can understand, of trusts, of civil law, of criminal law or torts, etc., in every respect and whatever change we must do must affect all these laws. Therefore there is no meaning in his objection based upon a quotation from an old law report. Otherwise, I would ask the Advocate-General to plead on the basis of the old law. We want a new law. Therefore there is

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nothing in the quotation from the old law. Probably Mr. Srinivasa Ayyangar has at the back of his mind a feeling that there is a law of property and law of trust which can never be altered—in fact, something like the agamas which Mr. Natasa Ayyar quotes and contends that they are eternal and unchangeable, that they are the word of God and cannot be altered. We do not hold that view in these modern days. We do not hold that the laws of property or trust which are opposed to public policy are things that can be put aside on the plane of untouchability. Even the most orthodox jurists have accepted the position that the will of the people must reign supreme, that the Legislature is supreme. There is no appositeness in quoting parallels. We should quote law reports to see what the law was, in order to see what the change should be and not to oppose a particular change. The law reports cannot lay down any principle which can prevent any legislation of any kind, whether it is the law of trust or property or civil or criminal law.

“ Let us examine the second question. The argument was not only about the law of trusts. He as well as Rt. Hon. Sastri argued very strenuously to show that it is only in those cases which they pictured, where they see repression and the like, it is only in those cases that the possibility of passing a law of indemnity can be investigated. But where there is no bloodshed, where there is no murder or acts of police violence or where there is no excess of police or military authority, there can be no indemnity of any kind. I think Mr. Prakasam in his own inimitable way completely smashed the position. The greater proves the less. If we can approve indemnity covered by acts of military excess, surely where honest, philanthropic and good men have infringed a bad, technical or immoral law, they should be protected. It is not because the law reports are full of greater indemnities that smaller indemnities are out of jurisprudence. Both Mr. Srinivasa Ayyangar and the Rt. Hon. Srinivasa Sastri intend to base their arguments upon this. The Advocate-General has shoved upon me a musty old volume saying that there is an English Judge that has said that on every point there can be indemnity and that on every matter law can be passed by a legislature, that every act which was done as a public policy of Government should be deemed to be legal and that the legislature can pass laws and make laws to make them legal. I do not wish to quote them. It is obvious to me and must be obvious to the House. I do not want to weary the House with quotations which might look legal, but after all are matters of commonsense. I say the legislature has power to save good men from any bad consequences arising from their good conduct. If even excesses

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can be covered by indemnities, proper *bona fide* acts can certainly be covered by indemnities. But Mr. Srinivasa Ayyangar went further. Sir, I do not wish to be harsh. But I think he did what I would consider to be unwise and dangerous and I must say it. He pictured to us blood and chaos and turmoil that came to be when similar things were done 45 years ago and said, ‘ Those things have not happened now. Therefore times have changed.’ I say the same thing. These things have not happened and therefore we have to change the law. The painting which he indulged in of these dangerous things made me tremble a bit. He might not have meant it. But it is suggestive of certain things which are not meant or intended. Even now there is superstition enough to break into a thing like that.”

12-30
p.m.

SRI T. C. SRINIVASA AYYANGAR:—“ I am afraid the Hon. the Premier is putting a wrong construction upon my remarks.”

* THE HON. SRI C. RAJAGOPALACHARIAR:—“ I hope so, and I said so.”

SRI T. C. SRINIVASA AYYANGAR:—“ Yesterday the Hon. the Prime Minister said something about this, apparently thinking that this peaceful atmosphere is due to the absence of a contrary opinion. I said that it was due to the good sense of the people and to the large volume of public opinion which is not in favour of the method adopted for the entry, but which still wanted to preserve a good atmosphere. That is why I said I was glad to hear the interjection ‘ Hear, hear.’ It indicated that there was an appreciation of the good sense shown.”

* THE HON. SRI C. RAJAGOPALACHARIAR:—“ I was saying, Sir, that while that was the motive and the reason, too lurid a picture was painted. It was wholly unnecessary and, at least, it was very dangerous. I plead again that it may be very nice so far as paper and ink and logic go. It may be nice to say. ‘ Well, there was so much rioting, so much anger and so much passion over the same thing. It has not happened now.’ Not only has it not happened after the thing, but it has not happened even after the method was adopted to which objection is taken by Mr. T. C. Srinivasa Ayyangar. This is therefore a complete answer to any objection that may be raised even to the method. But the point I am dealing with is a different thing. It is a question of dangerous policy. It is wrong to remind people of their angers. It is inapposite now. It is wholly unnecessary to paint this picture now. I go further and say that it is not only Mr. T. C. Srinivasa Ayyangar who has painted this picture, but others have painted this picture in Madura and would like again and again to try that method. There are people whose mouth is,

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if I may say so, watering for disturbances of this kind and who are disappointed that such disturbances have not come about, because they would, like other people, remain behind and work in the law courts."

SRI T. C. SRINIVASA AYYANGAR:—"Sir, the Hon. the Premier said that the mouths of some people are watering for the purpose of disturbances. I am afraid he is doing Madura scant courtesy. If there was a disturbance it was in the meeting held against the temple-goers."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"However, let me come to my point. I did not wish to put any wrong construction on what Mr. Srinivasa Ayyangar said. I was saying only that these pictures are dangerous because they are too plausible to be repeated. Therefore we must all combine not to paint such pictures before people who are still ignorant. It is not Mr. Srinivasa Ayyangar alone who said this. Remember what the Rt. Hon. Sastri said yesterday. He is not sure that the majority are in favour of this. Remembering that one can see the danger of painting such pictures and recalling ancient history, I want to say that it is safe if really there is sympathy for this reform; it is safer anyway that we do not bring back ancient pictures of horror and difficulties and trouble. A thing forgotten should be forgotten and history is all too unnecessary. We can write histories later on if necessary. But we are not yet out of the wood and we do not think we can indulge in historic recapitulation of bad things.

"The Rt. Hon. Sastri said a great many things yesterday. But I must first unburden myself of what I have in my mind, namely, the extraordinary beauty and the extraordinary perfection, if I may say so, of the speech that he made yesterday. But, having said that, having appreciated it in full measure, I must say—he must permit me to say—that it was all too much like a beautiful lady's umbrella—a silken umbrella perfect in form, in beautiful symmetry, full of colour and beauty—which gave no protection either against sun or against wind or against rain. (Laughter.) It gave no protection whatsoever against the sanataniists who object to this measure. It gave no protection to the untouchables who want something to be done. It gave no hope or encouragement to those who are suffering. It gave no defence to those who are trying to do some work in this connexion. Sir K. V. Reddi Nayudu put it bluntly when he said that there was nothing constructive in that speech. I cannot say that myself. There was some constructive reference in it though there was no new plan. The Rt. Hon. Sastri says: 'Carry on in the Malabar Temple Entry way. Don't go in for a new measure.' That is the positive side of what he said. But it is very flimsy. If the Malabar

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way would have been enough, we need not have worried about this. But what has he said about what was done? All the reporters have nearly missed the one important thing he laid stress upon yesterday. I read the papers last night and I therefore must repeat it. The one important thing which is not mere framework, which is not mere dead body, which is not mere blood or flesh but life, is the activity, the action that took place in Madura on the 8th July. That is the life, that is the spark of immortal life out of which we must light our fires and carry on. That is the light which can put life into the dead bones of our laws, rules and regulations. Therefore, to me it is not the law that is important; what was done on the 8th July is important. Wrong, you may say; illegal, you may say; but that is the life."

SRI B. NARAYANASWAMI NAYUDU:—"May I know what happened on the 8th?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"On the 8th July the temple was actually opened by brave and good men to the Harijans and the Harijans went and worshipped there. And they went and worshipped the next day. The day after, another temple was thrown open to them and more temples were opened to them. In orthodox Tinnevely a temple was opened to them and another again in Tanjore. Is it the law or the ordinance that worked? No. It is the thing that was done in Madura that contained the life. That is what I call the *atma* of this movement. The rest is only the body. Therefore I say that should be retained. But what happened here? Both the Rt. Hon. Sastri and Mr. T. C. Srinivasa Ayyangar said: 'That is wrong. That is wicked. They should be punished. You should not save them.' That means to say: life must be ended and the carcass must be retained. To me it is of no value. Therefore I say, that which was done on the 8th of July and the succeeding days, even without the enactment of the Ordinance, even without the enactment of this would-be measure, is far more important and contains the germ of life. It is like our milled rice. You remove the germ and eat the starch. If I follow the advice of some hon. Members here, we would only have the mill-polished starch. We would pass a temple entry measure, but that would be without life. Therefore I say that that is the essence which should not be lost sight of, which I said yesterday and say again to-day. That is why I say, it is both the indemnity and authorization that are required. Authorization is not the chief thing. It is the indemnity that contains the life, the spark that will hereafter grow into a big fire.

"The Rt. Hon. Sastri referred to the feelings of those who have been so honestly and sincerely and devoutly following the

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superstitious notion which he and I and all of us condemn. I do not in the least grudge that appreciation. He may take it from me that I am as full of that feeling towards them as he is. I am as conservative as he is in that respect. I have the same nerves and the same blood that vitalizes their body. Therefore it is not difficult to realize the feelings of those people. But I want my Rt. Hon. Friend to realize the feelings of the other people also. I missed that in his argument yesterday. But I have no doubt whatsoever that he will not be behind any one in understanding the feelings of the depressed classes, the excluded castes or the untouchable people. He does not feel it less than anybody else. But in his arguments yesterday one missed it. He did not paint both sides of the picture. He painted only one side and he did this most beautifully. He quoted the names of the rishis from whose bowels some of us claim, by formulæ repeated without interruption from generation to generation, to have come. He repeated those great names and said that they belong to those orthodox people and not to us. I deny that. I do not accept that proposition. I say, those rishis belong to us the reformers and not, Sir, to the orthodox people. Take the scriptures with regard to these great names which he quoted. We find that what they did and what they said are much nearer to what we want to be done in this respect than what is said by the orthodox to be the law and the unchangeable law. The fundamental of Hinduism is put aside. If I may talk in the language of another scripture, the Commandment of God is set aside in order that man may keep the traditions of man only. The washing of cups and clothes are preserved and the Commandment of God is set aside and frustrated. Are people who follow that line of action to be said to be nearer to the ancient rishis? He and I and others who want this reform claim that the rishis are near to us, as near to us at least as to those people who hold on to their own traditions and practices. Mere rules of architecture, mere rules of ritualistic practices should not be elevated to the rank of eternal law and the claim made that the rishis are much nearer to them than to us. I do not concede that proposition. I claim that we are as near to the rishis, if not nearer, and that we are really carrying out the spirit of the teachings of those rishis if we open our temples to the Harijans. We do the contrary if we refuse to open the temples to them. Therefore he must plead for us before the people if he will take interest in the subject. I crave the help of people like him. There is no more valuable help than what we can get from the Rt. Hon. Sastri and Mr. Srinivasa Ayyangar. It is open to them to give this help which we really need in order that the hearts of the people on the other side might melt and we may have things done by agreement and not by fighting and by

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Mr. Srinivasa Sastri then quotes—it is not new to him to 12-45
preach to us—the golden mean. It is always his way and it is p.m.
his mission, if I may say so, to warn and to ask us neither to
swerve on the one side nor the other. But the rule that
in all public matters of primary importance the means are as
important as the end, is a good golden rule. I admit it at once.
And I go further; he need have no mistakes about my views on
that matter. The rule that the means are as important as the
end and are as sacred as the end, does apply not only to matters
of primary public importance but to all matters. I would say
in all matters the quality of the means is as important as the
end and it is as dangerous to adopt wrong quality as the means
as it is dangerous to go to a wrong goal. But I claim that in this
there is no infringement of that rule. There is no infringement
of that rule if the law goes to assist those who have tried to
remove untouchability, who have tried to get the worship
available in Hindu temples to Hindus who have been denied it for
ages and which we all agree should be given to them. I do not
think we do wrong in saving good and innocent men from being
punished for a crime based upon a cruel and unadulterated
superstition and foolish judge-made law permanently enacting
that the superstition shall remain as the law of the land. I say
that it is not wrong at all for us to go to the help of people who
may be convicted for a supposed charge based upon a mere super-
stition which has been made into law. Why? Not on the
merits. It is the regular imperialistic practice throughout the
world to maintain all bad customs prevailing in all lands which
come under their sway, because it is on the strength of these cus-
toms that the sway itself has been maintained. It cannot be
altered and this law by which a bad custom, a wicked custom,
which becomes not only civil law but even the criminal law of
the land is really a corollary of and an adjunct to sheer imperia-
listic expedience. Otherwise how could this be justified? Are
we not now in modern times and can we say, 'I will punish you
for a crime, for the crime of defiling a Hindu temple?' If they
went and worshipped with all the devotion you know, have you
the heart to say, 'I will jail you; you have committed defilement
of this temple?' He may be guilty of a hundred wrongs. I
can say, 'You are guilty of house theft'. I can say, 'You are
guilty of trespassing into another man's property'. But that is
not the law. The law is that he is guilty of defilement of a place
of worship. Is it wrong for an indemnity to be given to a man
like that who has been found guilty according to the law which
has been for ages based upon the superstitious practice? There-
fore, I plead, Sir, in defence of myself that I have not infringed
the rule that the means are as important as the end. I propose

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to keep that as ever before me that the means are as important as the end not only in all matters of primary importance but in all matters, let me say, without classification. But here I plead that it is not wrong means and not a wrong end.

"The Rt. Hon. Sastri repudiated, if I may say so in loose language, the sanctity of the Poona Pact. Sir, I interpret Mr. Sastri's gesture to mean that he did not."

THE RT. HON. V. S. SRINIVASA SASTRI:—"I put it in a sentence yesterday which apparently did not reach the Hon. Premier's ear, that I feel bound by it."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I was coming to that. He feels, he has stated, that the Poona Pact was the result of moral coercion and all people are not bound by it. We should not overstate the binding character of it as binding on everybody. (An hon. Member: Exactly.) The Rt. Hon. Sastri himself feels bound by it, whether he was bound by law or not. That is what he stated, I think. But I say that he has cast a doubt on the character of that Pact all the same. He and I may be bound, he has admitted. Sir Tej Bahadur Sapru may be bound but certain people may not be bound by it. But what is the relevancy of that now? It is possible, Sir, that Bengal politicians may still plead against the political consequences of that Pact. That was no doubt the motive of Mr. Sastri's statement. He forgot, I respectfully say, the relevancy of that to the present purpose. The reason why I refer to the Poona Pact in this connexion is not the political consequences of it but the moral and the religious promise that we made to the country as a whole, the promise that all this . . ."

THE RT. HON. V. S. SRINIVASA SASTRI:—"That again, Sir, is an extraordinary misstatement coming from an eminent lawyer like the Hon. Prime Minister. The community promised, the community bound itself! May I know where and how?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I was waiting, Sir, to see whether I have made a wrong statement but I see that Mr. Sastri's objection is a different one. He says I am wrong in my inference; he should wait for me to prove my inference. I am glad that he has given me the point to meet. I was saying in the other House and I say it here that the arrangement we came to at the time of the Poona Pact covered the opening of the temples also and the removal of untouchability. Mr. Sastri is entitled to say that the sanatanists are not bound by it. Mr. Sastri is entitled to say that from the religious or social aspect of it certain people who were never parties to it are not bound by it. Mr. Sastri is even entitled to call in the aid of

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the law books and say that a community is not a corporate society to be bound and there is no attorney appointed by a community to sign an agreement on behalf of the community. I concede that. But there is something like an arrangement aimed at by the whole people. Does not the Rt. Hon. Sastri know that the Secretary of State waited for the agreement of the entire community as such? Whether he intended a corporate body or an association I do not know but he waited for the consent of the Hindu community as a whole, he waited for the consent of the Scheduled Castes as a whole, in order that he might endorse the alterations that were sought to be made in the constitutional arrangements and the electoral arrangements and he accepted the verdict to be sufficient to cover and bind the respective communities as such; and the political re-arrangements were accepted as such and Mr. Sastri and I are all under that arrangement here. (Hear hear.)

"And he says it is not binding. He can well say this part of it is not the part of the pact that the Secretary of State intended. We can argue like lawyers. But let us argue like men. Let us argue like religious men, let us argue like pious men. We think it is a part of the agreement. But he cannot say that there was no agreement, that it was a mere scrap of paper and there is nobody bound by it except those willing to be bound by it by grace or concession, like himself and me. We are bound by it, Sir, in a slightly greater legal sense than merely the willingness to accept a good restriction of that kind. We are bound in terms of law and politics to carry out the terms and the representations upon which we got certain changes made at the time. The changes were made by the Secretary of State after the Poona Pact. He may go back. Beyond all this he may say, 'Well, all that was wrong because a man like Mahatma Gandhi threatened us that he would lose his life if such and such a thing was not done.' But that would be too difficult a matter to go into just now. It is unnecessary. But a secular minded person like Dr. Ambedkar, a secular minded person like Sir Tej Bahadur Sapru, they were all the time there; Malaviyaji was there, a devoted supporter of Hinduism and one who has attuned himself to Hindu orthodoxy perhaps a little more even than the Rt. Hon. Sastri and myself. They were all there and they all accepted these terms in full; and not only accepted them but sent them to the Secretary of State with their original signatures. Not only that. They held meetings thereafter—the day after, and five days thereafter, big meetings in Bombay where they spoke in the name of the community as a whole and where they said that these things were to be done and these other things were to be done. And what we are

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now trying to do is to recognize in practice one of the promises made on that occasion. I say, Sir, therefore at least as a legislature we are entitled—I am entitled to say we are *bound*—to carry out the terms and the promise that we made on that occasion. If any reason were necessary, that is to say, if it is not by itself a sufficient policy, I have to make reference to these terms and this Pact. But apart from the Pact, Mr. Sastri's view in regard to this is earlier than the Pact. He and I agreed that these temples should be opened, even before the Pact was signed or the electoral arrangement was made or anything like that happened. We are bound by this improvement of our position and we are bound to carry it out. I am therefore, Sir, eager that this thing should be done and that a hole should not be picked in it merely for one reason or another. We should be spoiling a good thing by creating these difficulties. As I said before, I believe in the potency of events that happened. And therefore I do hope that this reform will stand.

“The Rt. Hon. Sastri said as an objection to the frame-work of the Act that the Malabar Temple Entry scheme simply will remain idle hereafter—may be, a dead letter—and that the present enactment will take its place. I pray so, I may say at once. But I am not sure. I am afraid things are not so good as he seems to think. They are not, from my point of view. I am afraid that trustees will not be so bold. I am afraid that priests will not be so agreeable to help the trustees to get the necessary preliminaries to do such things. I have those fears. (Interruption.) My friend, Mr. Prakasam, who is a keen student of psychology says, ‘Do not say that you are afraid; carry on; you will win.’ True, but Mr. Sastri says the contrary. ‘You will be too bold; you will simply coerce trustees to do it; you will simply make unwilling trustees to sign and do it.’ Is he not aware that he is imputing very bad conduct to Government officers by it? (Rt. Hon. V. S. Srinivasa Sastri: ‘Human conduct.’) I do not know in what sense he uses the word ‘human’ there. I would rather say it is humane, no doubt on behalf of the Government that we should be tempted to do such a thing. But yet the means are as important as the end as he has stated very correctly and it is not likely, Sir, that Government will say to a reluctant trustee, ‘No, you must sign.’ Is he not sufficiently a man of the world to see that the Government cannot approach one of its own servants? Even should the trustee be so interpreted, the Government cannot approach their own servants in that manner. Is it possible for me to ask my own servants, my own officers to do something wrong? It is impossible, morally impossible. Therefore, what Mr. Sastri fears is something else for which I shall find the words though he

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has not put it. He says, ‘Your moral influence may act as a contagion on these trustees. Your opinion may influence other people’s opinion. They may be changed soon to a proper reasonable process of gradual reasoning. It may perhaps bring them round too.’ I want all to be equal. I do not mind the influence. I do not mind a little bit of goading of that kind. While on the one hand I say that nobody is going to use illegal, invalid pressure, nobody need regret opinion ever having its influence. The pressure of opinion of one like the Rt. Hon. Sastri, expressed clearly and in crystal English, we want this influence to be exerted. I am in favour of it. It is not wrong. It is the opinion of orthodoxy which is really an incubus and a superstition sitting upon them contracting their hearts and which they inherited from their forefathers. 1 p.m.

“I would like these things to have their influence on the minds of the trustees and if the trustees hasten to agree to open temples taking courage in both their hands, as Sir K. V. Reddi Nayudu said, we should not regret it; we should welcome it. The Government are in favour of this; the Opposition are in favour of it; the independent men are in favour of it; the nominated members are in favour of it; and the Vice-Chancellors of the Universities are in favour of it. So, what is the use of hanging on to this old Agama literature and things like that? After all, there is also an authority in our Vedas which says that, if all people want to do a certain thing, others should not stand in their way, taking shelter in the name of orthodoxy. After all, heterodoxy will suddenly become orthodoxy even as so many things we see around us which were perfectly once heterodox have become orthodox at the present day. This is not merely ornamentation of the body, or cutting of the hair, or the cutting of the dress or the going away to Burma or Ceylon or London for a selfish purpose. Are not these things becoming orthodox? Here is an altruistic purpose, a thing for which the public will have to be generous and show their valency. It would be showing greater valency, though it may be heterodox, if only friends who want to show their heart to other people will throw their full weight on this side. I do not want them to say what in their opinion is not a correct procedure. The right procedure for them should be, if the Bill is passed, to put their whole weight for keeping the temples open for these Harijans. It is in the spirit of orthodoxy and conservatism that these temples should be kept as places of worship where people can go for solace and peace. It is in that spirit that temples should be maintained and it is in that spirit that I want this Bill should be accepted by the House. I move that the Bill be taken into consideration at once.”

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

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Clause 2.

SRI B. NARAYANASWAMI NAYUDU:—"I beg to move the amendment that stands in my name and which runs as follows:—

'Omit the words "or assisting" in line 7 of clause 2 and the words "other persons" occurring in the last but two lines of clause 2.'

"Mr. President, the clause is an indemnifying clause and I quite recognize that those people who are affected by this should be indemnified. I have given notice of this amendment because this clause does not stop with the executive authorities of the local boards or the municipalities, the trustees of the temples and other officers, but it goes further and says that all persons assisting such persons in these matters also have to be indemnified. The real question is this: whether the indemnity clause should be passed by this House. It is not at all a simple matter. I may at once state that there is no dispute at all as to the competency of this House to pass what is called Indemnity Bill; you have got the power. It does not follow that you can pass indemnity laws for all. The Bill as it stands seeks to indemnify not only the trustees, officers and poojaris, but it also seeks to give protection to persons who are assisting. Who are the assistants and whether they deserve indemnity is the principal question. That is the real point in the case. That has to be answered perfectly clearly. References have been made to sparks. The real question is, who is the spark that is going to be sheltered? Is it the spark of the 8th July which is going to be saved and which is going to be sheltered? That is the question now. They may be very good sparks. The sparks may consist of three classes of persons, viz., (1) the professional politicians, (2) the goondas and (3) the misguided persons influenced by the members of other communities. We are not so much concerned with the Harijans who have got an age-long disability. Now we have got another category of persons, viz., 'assistants', the Prometheus. That means all these persons will be authorized not only to go and ask a member of the Legislature to repeal the law but also to allow them to take the law into their own hands. That is the real thing to be answered by this Government in asking this Council to pass this legislation. I ask, 'Are you justified in making the professional politician or the goonda or the misguided, enthusiastic and dynamic persons to take the law into their own hands and then allow them to go here and say, 'Please protect us?' That is the whole position. It is not at all a simple matter. As my hon. Friend the Rt. Hon. Sastri said the means do not justify the end. Is there any justification for indemnifying these people? The two things, viz., the passing of a legislation for temple entry and passing a legislation for indemnifying all these

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persons are entirely different. There should be no confusing, there should be no mixing up of the two. These people have got their own places. If the public opinion is so strong, they can come to the Ministry and say, 'The opinion is so strong that we cannot but pass legislation allowing the entry of Harijans into the temples.' They can agitate before the people. But the Prometheus spark cannot come and say, 'I will go and turn out all those people who oppose the temple entry of Harijans; I will allow them and then come here and ask for protection by asking this House to pass a piece of indemnifying legislation.' I am sorry the Advocate-General is not present here. There are limitations for passing what may be called indemnifying legislation. There are certain well-known restrictions which should be observed in passing legislation of that sort. Now who are those assistants, and what is the protection for? Why do they take the law into their own hands? I am awaiting the Hon. Premier to say something as to what right they have got to take the law into their own hands. You have got a right to allow the Harijans into the temples. But could you alter the means because the end is beautiful? I may in this connexion remind hon. Members of this House of Jameson's raid in South Africa and the events that happened at that time. There was a war between Boers and the English people and a certain gentleman by name Jameson marched with the succour of his own people, fought for the cause of the British and succeeded. But because he broke the existing law, he was convicted first and not indemnified as is done now here. But afterwards he was released from prison and was given a high office for his bold and courageous action.

"Sir, this sort of indemnifying a person for doing an unlawful thing is an invasion of fundamental rights. As the Rt. Hon. Sastri rightly said, you cannot be entrusted with power. There is no reason at all for this legislation; there is no compelling necessity. There is the Malabar Temple Entry Act now and there is the constitutional method of giving effect to your desire. Giving protection even to those who assist in the breaking of the existing law is nothing but goondaism in politics. Therefore I oppose this. In fact, as the Leader of the Opposition said rightly, the more I think of this Bill the more reminded I am of the famous saying of Bismarck, 'Whenever the Englishman talks of Christ, he means only cotton duty.' In the same way whenever the Gandhian Government talks of the freedom of the country, it only means a vote-catching device. Otherwise there is no explanation for this method. What is the meaning of an illegal act? Those people who have committed an illegal act cannot claim indemnity from this House. Sir, temple entry may be an excellent reform. But here you have not done what the

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British Government did in the case of Jameson's raid. When he committed an unlawful act, they would not excuse him. You can change the law at any time. But the supremacy of law was not changed and it is not changeable. It is our duty to maintain that supremacy. This is a fundamental duty of any civilized society, or Government and you have failed there. As my friend, the Rt. Hon. Sastri, said you cannot be entrusted with power."

SRI M. D. T. KUMARASWAMI MUDALIYAR:—"I second it."

1-15
p.m.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Mr. President, I do not wish to go into the motives which have been attributed by Mr. Narayanaswami Nayudu in his own inimitable manner. I do hope that it is not only capable of imitation, but nobody will try to do so even if it were capable. The amendment is that the words 'or assisting' in line 7 of clause 2 and the words 'other persons' occurring in the last but two lines be omitted. The words in the context are these: . . .

no priest or person officiating as such and no person entering or offering worship or assisting or acting under the authority of or with the permission of such officer, servant, authority, trustee, priest or person officiating shall be prosecuted . . .

That is to say, Mr. Narayanaswami Nayudu does not seem now to object—at any rate he seems to have reconciled himself, apart from his general opposition to the Ministry or the Government—to the clause if it says that no priest or person officiating as such and no person entering or offering worship or acting under the authority of or with the permission of such officer, etc., shall be prosecuted. But his objection is to the inclusion in this clause of any person assisting in these matters. I submit there is no meaning in his position. What he means to say amounts to this: 'Punish only one whom I shall name and I shall be satisfied.' He has also named him: 'If you punish Mr. Vaidyanatha Ayyar, I shall be content; you may indemnify anybody else.' Put in that way, it may seem a caricature of the position, but that is really what Mr. Narayanaswami Nayudu means when he seeks to omit the words 'or assisting.' Here I may mention that even without these words, the remaining words would save Mr. Vaidyanatha Ayyar all right. But it is not to save Mr. Vaidyanatha Ayyar that we have put in the words 'or assisting,' but it is to save commonsense. If a priest is to be indemnified, if a person officiating is to be indemnified, if a person entering and offering worship is to be indemnified and if a person acting under the authority of or with the permission of such officer, servant, authority, trustee, priest or person officiating is to be indemnified, then the person assisting them should not be simply sent to prison if anybody chooses to prosecute them. The point is even simpler than

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that. This clause deals with indemnification of past acts. As a matter of fact Mr. Narayanaswami Nayudu knows the persons against whom cases have been brought. (Mr. B. Narayanaswami Nayudu: 'I do not know.') It is not an indefinite body of people whom we are trying to save now. This clause is merely to indemnify past acts. I have to oppose also the other proposal to omit the words 'other persons' occurring lower down in the clause. I submit to the House that the amendment should be rejected."

The amendment was put and lost.

Clause 2 was put and carried.

Clause 3.

SRI B. NARAYANASWAMI NAYUDU:—"I beg to move the following amendment:

'Substitute the following for clause 3 excluding the Proviso and the Explanation thereunder:

"The trustees or other authorities in charge of any Hindu temple in the Province of Madras shall throw open the temples to all classes of Hindu society and thereafter persons belonging to all classes of Hindu society shall have the right to enter into and offer worship in such temple:

Provided that if, in the opinion of the Government, any temple or temples shall not be so thrown open except in conformity with the provisions of the Malabar Temple Entry Act, the Government shall declare accordingly and thereafter all such temples so declared shall be governed by the provisions of the Malabar Temple Entry Act."

Sir, in this business of throwing open the temples, at present the locks are in the hands of the trustees and the Government. The locks have either to be put on the temples or taken away from the temples and the temples thrown open without all this ado. The Malabar Temple Entry Act said that there should be a referendum. This Bill says that there should be no referendum because it will lead to acerbity of feeling. Why not then adopt the straightforward course and throw open all the temples and remove all the locks? This business of volunteers going round and pushing and creating a stir—all this must go. Why do you want the Promethean spark to go on igniting from man to man and from place to place? That is the exclusive monopoly of the Government and no other person should handle it. If other persons ignite the spark they will be caught. It is admitted that the demand is

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insistent and compelling and that the Malabar Temple Entry Act is useless. Then why not throw open all the temples? If in the opinion of the Government certain temples should be reserved, then have the procedure of the Malabar Temple Entry Act with regard to them. What is this middle course for? Am I not justified in making the remark that this is merely a device to keep under their thumb both the depressed classes on the one hand and the sanatanists on the other? The sanatanists after waiting in deputation on the Viceroy will come to see the real remedy. The real remedy is the Prime Minister here. The sanatanists will go to the Prime Minister and say, 'Don't throw open this temple or that temple.' The political machinery requires the help of the sanatanists and this Bill gives the necessary power to the Government which can be used for the purpose of electioneering and for the vote-catching business. The sanatanists may be told that if they voted for the Government the temples would not be thrown open. We are living in an age of elections and we are justified in saying that we are giving an advantage to the Government's political machinery which the Government are not entitled to. Let them either throw open all the temples or if they want to reserve certain temples, let them notify them and say that with reference to those temples the procedure of the Malabar Temple Entry Act should be observed. Instead of doing that, the Government say that they want power in their hands to say which temple should be thrown open and which not. The Government want a blank cheque for their budget, a blank cheque for their powers and a blank cheque with regard to religious institutions. This blank cheque business has been the bane of all institutions and this must be put an end to. I oppose the clause and move my amendment."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I second it."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I have to oppose the amendment, because it is really not an amendment; it is really opposing the whole Bill. It is getting back to the position of the Malabar Temple Entry Act and the extension of that principle to the rest of the Presidency or it is a suggestion to throw open the temples by a fiat of the Government. It is opposed to the whole principle of the Bill and I submit that I need not take more of the time of the House to explain it. The Government cannot accept the amendment at all."

The amendment was put and lost.

Clause 3 was put and carried.

Clause 4 was put and carried.

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Clause 5.

* THE RT. HON. V. S. SRINIVASA SASTRI:—"I have got a question to put with regard to this clause. I have not had time to frame an amendment. I think there is a little gap in this section which has perhaps been left without intention. Usually in Acts of indemnity, deeds or doings which are indemnified are exempted from the operation of the courts only if they have been done in good faith. I am afraid the terms of this particular clause are such as may cover deeds done even in bad faith. Suppose one of these gentlemen engaged in the throwing open of temples to Harijans, out of private malice ill-treated a *Bhattar* or used pressure upon him which ought not to have been used, or someone for the sake of private ends unconnected altogether with the temple entry business went out of his way and did something wrong. I am not saying that anybody here will say that such a wrong should be protected. But does not the language of the section cover that also? The words 'in good faith' or 'bona fide' are not found in the clause anywhere. Perhaps it is possible to interpret the words of some other sections so as to get at the result which I desire. I should very much like that as in all Acts of indemnity, the words 'in good faith' are brought in here also if possible. I am not moving any specific amendment."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I submit that the apprehensions of the hon. Member have no real basis. If you read the clause, the words do not run in the form that any act is indemnified. The words are really these:

'No suit for damages, no prosecution shall be instituted in respect of any entry into or worship in any temple thrown open or deemed to have been thrown open'

It does not cover any other acts whatsoever. This section provides for indemnity from suits and prosecutions only in respect of entry into or worship in any temple thrown open or deemed to be thrown open and that too on the ground that such entry is against usage or custom. Nothing else is protected. I submit there is no need for the words proposed. If there is any general phrase that all acts are indemnified and all entries are free, then perhaps it will be necessary to have the phrase 'in good faith.' There is therefore no fear of misinterpretation of the indemnity Act."

Clause 5 was put and carried.

Clause 6 was put and carried.

The Schedule was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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* THE HON. SRI C. RAJAGOPALACHARIAR:—"I beg to move, Sir,

that the Bill be passed into law."

"If I have said anything strongly in the course of the debate, I want to be forgiven for it. I feel that I have said nothing wrong. There is nothing more for me to say on the merits of the thing beyond what I have already stated in the course of the debate. I hope that the Bill will be accepted by the House and passed into law."

1-30
p.m.

* SRI DIWAN BAHADUR R. SRINIVASAN:—"Sir, there is a fear in the minds of the scheduled classes that this temple entry is not to be perpetual. Centuries have passed since the caste Hindus after taking possession of the temples built over the cremation grounds of the ancestors of the Adi-Dravidas and Adi-Andhras, now known as scheduled castes, took endowments and rights and drove them out, never to return to worship and did many other wrongs and injuries and completely deprived them of possession of these places of worship. Why on earth are the caste Hindus now trying to get them into the temples? Is it a bait set to trap the sixty millions of untouchables, to shatter and annihilate the solidarity of their community, who now claim equal rights and privileges with caste Hindus? Experience tells us that a measure like the Temple Entry Bill will go as will-o'-the-wisp. I shall give a few instances. In the Education Code there is a provision that any school refusing admission to the untouchables should not get the Government grant. What do the caste Hindus do? Some schools take a few children temporarily in order to get the grant. In other schools children are taken in by one door and their names entered in the attendance roll and sent away by the other door. In some schools these children are made to sit aside. Then again, the parents of the depressed classes children are threatened that they will be dismissed from service and evicted from the ground they occupy. Immediately these untouchable children are admitted into the school, caste Hindu children keep away from the schools for some days and then they come in.

"Then I come to the question of amenities, such as wells, pathways, etc. The scheduled caste people suffer very much and even murders take place in this connexion. Every day we hear complaints. With regard to the Removal of Civil Disabilities Act, there is no penalty clause in it. So, it is actually a toothless snake; in fact it is lying down as a dead snake, no effect being given to the sections of the Act. The scheduled caste people are still suffering for want of sufficient amenities.

"I notice objections are raised by certain section of Hindus. Eminent lawyers have now come forward to discuss the question.

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The expectation of the scheduled castes to get back their lost temples, to become trustees and even temple servants, is remote. To start a measure and give effect to it, permitting entry into temples and worship therein by members of all communities who embrace Hinduism without any discrimination, is a worthy one, however slow its progress may be. There is the promise made during the Poona Pact. Discrimination in temples and referendum will be insults to injuries inflicted by the caste Hindus. *Samprokshana* is a farce. Members—men and women—of the advanced community among the scheduled castes disguise themselves as caste Hindus and enter the temples. A few coins dropped in the hands of temple servants take them to the inner shrine.

"I hope the scheduled classes will be taken care of by this measure and that there will be no trouble. They have had much experience of these troubles; they have been suffering for centuries. I hope the Hon. Premier will assure us that particular care is taken for their protection.

"I have no objection to the measure now brought forward for temple entry and I support it."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Mr. President, my friend, Mr. Rangaswami Ayyangar made great play with the fact that Mr. T. C. Srinivasa Ayyangar had signed the document in support of temple entry. He apparently thought that it was not open to one who had put in his name to such a document, at any time to oppose any measure brought in to carry out this reform. I am afraid I come under his lash even more directly. Many years before Mr. T. C. Srinivasa Ayyangar put in his signature to that document, I had to put my signature to a document in which temple entry was spoken of on a large scale. Temple entry was recommended to the community as a necessary step. If I oppose this measure to-day, it is not in order to cancel my signature on that day, but in order to show that my enthusiasm for the elevation of the Harijans and their admission to the temples is as good as on that day and I want it to be secured by safe, efficacious and regular measures. It is not right to tell a man who does not support this measure, 'You are opposed to the very same principle.' We wanted to be very careful. By our statement we must necessarily disarm those critics and inform them that we are as good friends as they are of the Harijan community. We should not be suspected of going back upon our previous opinions and convictions, simply because we do not choose to say 'Yes' to a measure proposed like this. Sir, in the history of legislation, great evils have been attacked and even put down—slavery, subjection of women, disabilities of the lower classes of labourers everywhere, why, the amelioration even of the prisoners in jails. All these subjects have been taken up

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by the Congress Governments and every time it has been attended by varying success. Any one who cares to go through the history of legislation of an ameliorative character of this kind will see that it is marked by failures and miscarriages in every page. Good intentions do not mean good effect. I for one never questioned the motive that underlies this Bill. All that I said was, I object to this measure because it is an application of a well-known instrument of legislation to a purpose for which it has never been intended till now. Of course our friends can say, "What does it matter, so long as there is the instrument? Why should we not apply it to the traditional custom? It is there and we use it for this purpose. We, who are innovators in every matter, shall be innovators in this matter also and nobody shall say 'nay'." I am of a different mould. My legislation bones are not as stiff as theirs. I still seem to think that it will be well even for these young Indian parliamentarians to proceed along those lines that parliamentarians have trodden before and trodden with some measure of success. The Indemnity Bill, it seems to me, on the lines now before us, has not been hitherto allowed to be passed in any country. In that case it is not open to anybody to argue that this measure of reform will be very untouchy. I appeal to Mr. Rajagopalachariar, the Premier, to-day as I did ten months ago. That is all. He then produced a measure for this purpose which we gladly and enthusiastically approved. It is not time enough to bring in changes. Why these changes are ushered in we are unable to see. He wants to introduce a change because on the 8th an epic phenomenon took place in Madura. If that epic phenomenon took place in Madura, let it remain an epic. Do not make it prose. That is my point. Let it remain an epic. Let us not change the law; it is a heroic act. Why protect them from the results of the action which they took knowingly against the law? There is no need at all.

"It is quite open hereafter for this Legislature to say under the guidance of the Premier and his Colleagues, that all temples be thrown open. Let us make that the law of the land, and had you made that the law of the land, then we shall have no objection. Why go and protect people, who take their own lines of conduct, knowing the present state of law, under a kind of impulse from the Government themselves? Why should the Government say, 'We shall protect them?' It is not regular; it is an indirect way of achieving a great reform. This reform, Mr. President, is quite big enough and important enough to take the royal road of legislation. Nothing will be lost if this Bill is stayed and a straightforward Bill for the emancipation of the Harijan community and for their open entry into the temple were brought forward. If such a Bill is promoted and with the knowledge which is now

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applied to the promotion of this Bill and if that had been made the law of the land, nobody shall say 'nay.' I am strongly for promoting the awakened consciousness of enlightened minority communities. To-day I declare my view that I would gladly support legislation which, even should it appear that it did not command the support of majority, was supported strongly and enthusiastically by an enlightened minority. Let us have such a law, and then there need be no recourse to this indirect back-door method of indemnifying people who go and do these things. It may be more dignified and calculated to ensure the welfare of humanity. But that is not the way things have been done before, and that is the only ground—I repeat it a hundred times—that is the only ground upon which I oppose this measure. All that I say is, let us keep the law until it is proved inefficacious. If it is proved, then let us change the law. No time has been given; and because some people for whom we have the highest respect, went and did a deed in Madura which they were not justified in doing, it is not proper, it seems to me, for the Legislature of the Province to rush forward and to protect them and to make it the basis of the future law of the land. The future law is embodied here; it comes in indirectly. Why should this great thing be tackled indirectly, I ask. Why should we not be given the honour of saying, 'We take up this question, an age-long grievance, and we directly and boldly say this shall end.' That is all, Sir, that I say; and I think that it is a perfectly legitimate ground upon which it is open to us to oppose this measure, without laying ourselves open to the charge, in spite of repeated protests, that we have been opposing a measure for the emancipation of the Harijan community. I am extremely sorry that this cheap jibe has been thrown at people who are, it seems to me, as keen on effecting this reform as any in this Chamber."

* THE HON. SRI V. I. MUNISWAMI PILLAI:—"Mr. President, after my revered friend Diwan Bahadur R. Srinivasan has spoken, I do not think I need rise in this House to speak on this important measure. Sir, in his speech, he suspected that there is a certain amount of fear in the minds of the Harijans over this good measure. I do not know, Sir, from where he draws this inspiration. After the 8th of July, there have been several meetings and Harijans have been freely entering into several temples that were thrown open and at no place was any fear entertained at all. I may also testify that this measure has been brought in with great caution to give permanency to the admission of Harijans into the temples. Even yesterday, my hon. Friend Mr. Saldanha stated that the Harijans were not for temple entry. We, i.e., those of us who have been in the field for the amelioration of the depressed classes, have been echoing the voice of the dumb millions; we

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have been entreating the Legislature that there must be some legislation to remove this stigma in the Hindu society, to remove this disability that kept a certain section of the Hindus at the outskirts of the Hindu society. I may tell Mr. Saldanha that I do not think that there is any true Harijan who says that he does not want temple entry. We all have been fighting for centuries together and a measure of this kind has now come up, and it is up to us to embrace it with all our love and admiration. I know, Sir, as a matter of fact, that great caution has been taken in regard to this measure, to see that any admission of Harijans into temples is given a sort of permanency; and I am glad that the debate that took place yesterday and to-day has shown that there is a clear indication that there ought to be temple entry. But as regards the approach and the mode of legislative procedure, there has been a certain amount of discussion. I request, Sir, that every one of the members of this elder House will support this all-important measure that has been brought forward by the Government and see that the country comes to our rescue and helps us in getting all the Hindu temples in the Province thrown open to the Harijan community."

* **MR. J. A. SALDANHA**:—"Sir, I owe a personal explanation to the House. What I want to say is this; perhaps I did not express it very clearly previously. I say that so far as I know, the Harijans did not desire to have this privilege of temple entry in the shape of a very dubious measure, a measure which may be called a forcible temple entry Bill. This Bill legalizes all irregularities, all sorts of things which are confessed to be irregular by the Prime Minister himself. Further the Bill wants to perpetuate these arbitrary things. It is based not on good will. I think Harijans in the South Kanara district would not like to enter the temples without the good will of the other Hindus. They would like to get the will of the majority of the people in a matter of this sort. I am therefore one of those few here who oppose this kind of measure."

* **SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR**:—"Mr. President, after taking into consideration the attitude of the other side with regard to the amendments moved by my friend Mr. Narayanaswami Nayudu in respect of clause 3, I think I need not repent for anything that I have stated at the time of the first reading. The Hon. the Prime Minister stated that he would offer the Premiership to me if all the temples were thrown open to Harijans. I ask him whether by opposing the amendment moved by my friend Mr. Narayanaswami Nayudu, he is earnest in what he said about the throwing open of temples. I stated, Sir, that the executive officer of the Tirumalai-Tirupati Devasthanam refused

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admission not on the ground of public opinion but on the ground of old custom and usage and on the ground of Government orders. I expected some answer from the Government on that matter. Probably the Hon. the Prime Minister did not think it worth while to take notice of that, as he said that he did not mind my speech or my reference to the ordinance. I expect, however, that he will say something about the attitude of the executive officer of the Tirumalai-Tirupati Devasthanam at least in his reply at the third reading stage. I think I have not said anything about this particular ordinance. I simply said that the Congress Party was against the principle of the Governor issuing the ordinance. But now, the very Congress Party wanted that ordinance to be issued by the Governor. If the Hon. the Prime Minister wanted the reform to be effected, why did he not bring in this measure before now or allow Mr. Vaidyanatha Ayyar to have this reform effected after the Bill was passed by the Legislature? I hope, Sir, that the House will be taken into confidence with regard to the attitude taken by the executive officer of the Tirumalai-Tirupati Devasthanam.

"As my other friends have stated, this Bill does not go as far as we want; but anyhow, I take this Bill as the thin end of the wedge, and I hope that in the near future, the Hon. the Prime Minister himself will bring in another piece of legislation throwing open all the temples to all Hindus, without any distinction."

* **THE HON. SRI C. RAJAGOPALACHARIAR**:—"Mr. President, the Rt. Hon. Mr. Sastri, I am sorry to say, was not as clear to-day as he was yesterday. It did not seem to be quite his opinion that he would advise this Government to have a drastic Bill simply throwing open all the temples without any further ado, pre-requisite, initiative or correspondence or ascertainment of opinion one way or another. But it seemed to me that his words meant that he advised us to do that rather than take the matter up in the form in which we have now presented it. If that really were not merely an argument but really his advice, I for one would consider the proposal very seriously if Mr. Sastri with his previous history and his previous political experience is in a position to advise like that; but if it is merely an argument, that is a different matter. Mr. Narayanaswami Nayudu or some one else in the other House proposed by way of amendment, 'We do not want this measure; we do not want any reference to opinions or votes; just introduce a simple Bill saying that all these temples shall be open hereafter to the excluded classes, and every one shall enter, whether he is a Harijan or not.' If we can introduce such a Bill, it would be a straight and an easy thing and a proper

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thing—that is what some gentleman said. Am I right in thinking that that was the last advice which the Rt. Hon. Mr. Sastri gave? I wonder if it is so; it appeared to me very doubtful, because it is not in keeping with his general attitude with regard to present affairs of life. He would hesitate, I think, before really giving such advice to one who has got to carry out that advice and not merely accept the advice. If that really were his advice, I should be greatly surprised because it would be different from his previous advice. His previous advice was so far more cautious than I have only to take it as an argument when a very much bolder step is in the immediate context put forward as the only other alternative. Am I right in that, I wonder. Somehow as a result of all this talking here in this House, the Rt. Hon. Sastri has come to the conclusion that the best thing would be under the circumstances for the Government to take the other step. Was that his advice? May I pause for an answer?"

THE RT. HON. V. S. SRINIVASA SASTRI:—"My answer will be long, Sir, I should have to go on beyond 2 o'clock."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"If the answer is to be long, then I presume, Sir, it is an argument and not advice; but if it were straightaway an advice, it should not be long. I think I am right in stating that it is really an effective way of putting to me his powerful argument and telling me: 'Do not do that; do not do this; when I said that you had better do the other thing, I only meant it as an argument against the present thing, and it was not mere advice'."

THE RT. HON. V. S. SRINIVASA SASTRI:—"If I am not really taking up his time, I should say one word; it is not possible for me to enter the Prime Minister's mind and analyse what he has done. I can only say that I am not the Prime Minister; I have not brought in this Bill; I have not thought it out as he ought to have thought it out. I am only here in the position of a critic; I have performed my function as a critic. If he lays it upon me, or if circumstances lay it upon me ever to take up this question, I am sure I shall not adopt this indirect back-door method." (Laughter)

2 p.m. * THE HON. SRI C. RAJAGOPALACHARIAR:—"But, Sir, he has still not said 'follow the other method.' However, I think I have understood him rightly when I say that it was merely an argument that he was advancing, because I was really wondering whether he advised us to take the straight method of saying once for all mandatorily 'here, the temples shall be open,' but it was merely an argument. Of course, I was prepared all these days for changes of all kinds. Therefore, I would say that

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an argument is not enough. We are in a different position and he himself made it clear in his last statement that we are in the position of doing things and he is in the position of a critic. Of course, it is easy to be a critic; it is easy to say this is bad but that also is bad. After all we have to act and see whether this is not good or whether the other thing is good. Every man when he does act, will have to choose the good and every critic sees what is good or bad in each thing one by one. I do not grudge it; it is useful; probably in his over-enthusiasm the critic may advise one by way of caution to be conservative. Criticism is good, but this is not very constructive, I must say.

"Then the Leader of the Opposition put me a question. He says, 'In spite of all your wickedness, I give my support to this Bill.' He put me this question: 'Why did the Commissioner of the Tirupati Devasthanam not accept the requisition of some people and open the temples, as was done in Madura? What took place in Madura was not done there by the trustee, though you are here, the same Government; why did he not do it?'"

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"He said there was the old custom and the Government Order and there was no public opinion."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I have not revised the answer, but the question put to me is: 'Why is it that you permit the Commissioner of the Tirupati Devasthanam to remain quiet without opening temples when a requisition is made; why did you do so?' Sir, I make a present of that question to Mr. Srinivasa Sastri. He says as long as you are here, it is dangerous and every trustee will do this or that. Now, see here is a case where the trustee who is as much in the hands of the Government as the other man says, 'No, I cannot do it, because the other custom is there and the Government Order is there and I have not been given a mandate.' So, he is not himself willing to take the initiative. With such a trustee we cannot get things done. (Interruption: He is a Government official.) Whether he is a Government official or a pensioner it is irrelevant; thank God, we do not treat Government officials in this way."

SRI T. A. RAMALINGAM CHETTIYAR:—"He is not a trustee and he has no power."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Quite so and Mr. Ramalingam Chettiyar is a member of the Committee. I may go further and say that it is not because he has no power, it is not because there is the committee which has to consider all that; but it is because he is not a slave, he is not servile,

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but he acts according to his judgment and we allow him to act according to his judgment. I repeat my case for the Bill in answering the question. What is our position and what is our policy? It is this. It is a living thing that we see, not merely a vote to the worship in the temple. Now in order to keep the worship going, those persons who are immediately concerned and who are as important as the generality of the people around and these few persons who are concerned in the actual ceremonial and custody of the temple must first agree and co-operate. Otherwise, we won't get the living worship, but will get only the vote. Mere order and actual dismissal or suspension of persons do not amount to worship in the temple. That is not what we want. What is required is, the real initiative must come from the trustees and the persons nearest to the temple who will carry on the day-to-day work: they may have the courage, they may have the confidence and they can ascertain opinion; but they will not. All that is the preliminary requisite. In some cases it is available: in some not; but if in some cases it is available, the example will infect others and will spread. That is the principle of the Bill. At the same time if a trustee is willing and takes the initiative, he has also to ascertain opinion, because he cannot act safely and properly and successfully unless he senses public opinion around him. Apparently the Tirupati Commissioner has not reacted in that manner: so he has not said, 'Yes.' The other Commissioner reacted in the other way: so he did it. That is the principle of the Bill in effect. In fact, completely and in a very clear manner the question of the Leader of the Opposition has elicited the real principle and motive of the Bill, so to say, and has answered also the doubts and suspicions entertained in certain quarters.

"I submit, Sir, there is no question of compulsion here because we want to succeed in a good object in a successful and efficient manner; and we cannot do it by orders. The only thing is, whether to ascertain by voting or ascertain from the trustees how he feels about it and which is better. Both methods may be good; or in one place one method may be good and in another the other method may be good; we want to have both the weapons in our armoury; we do not wish the one to cancel the other. In actual practice if one is better than the other, the more effective will displace the less effective, not like the baser coin displacing the good one. Both methods may be equally useful and we want both side by side. I therefore commend the Bill to the House."

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

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III.—MOTION FOR SUSPENSION OF RULE 17 OF THE LEGISLATIVE COUNCIL RULES.

- * THE HON. DR. T. S. S. RAJAN:—"Sir, I move—
'that rule 17 of the Council Rules be suspended and that the Council do proceed to transact Government business on Wednesday, the 9th August 1939.'

"Sir, the reason for making this motion is that a lot of official business has been held up. Although we have promised a non-official day, we find that the resolutions that have been tabled are neither very urgent nor important; of course from the point of view of those who have given notice of those resolutions, they are very important. But, since official business has got to be given precedence over non-official business, it has not been possible, with the best will in the world, to have to-morrow as a non-official day. The Leader of the Opposition whom I have consulted has also agreed to this, but he wanted an assurance to the effect that on the next non-official day we give them a few more hours to continue the debate. It is perhaps too early and too prophetic to give an assurance of that sort now, but I shall give him this offer: if there is no other business and the Legislative Assembly does not demand the attendance of the Ministers on the same day in the afternoon, I shall give him the assurance that I shall sit in the afternoon till 5 or 6 o'clock or as long as the non-official business requires the House to sit. With this limitation, Sir, I propose this motion for the acceptance of the House."

DR. SIR K. V. REDDI NAYUDU: Mr. President, of course we all recognize that official business should have precedence over non-official business, but I do not see the necessity for it. For one thing, I do not know why it is not possible for the Government to give us a non-official day; in fact we have been sitting from 11 to 2 ordinarily. I expect that our business would be finished soon; it may be finished in one hour as there is not much work to do. There is, Sir, a personal element in the matter. I have given notice of a resolution which will come up to-morrow but for the motion just now made. That resolution has some urgency about it. I also gather that correspondence has been going on between this Government and the Government of India on the question of certain control over the excessive imports that are coming into our Province and into India particularly from Burma, Indo-China and Siam. Now, if this correspondence goes on without this House having an opportunity to express its opinion, it may not have some other opportunity to do so. That is the request that I make in that resolution. The resolution is to the effect that this Government do approach the Government of India to give the Government of this Province as well as the Legislature of this Province an opportunity to express

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their views on the matter. I would therefore appeal to the Leader of the House to see whether it is not possible to give us some time. If I ask for the day-after-to-morrow, the Hon. the Finance Member will complain that it would mean Rs. 2-8-0 per member per day. I am not concerned with that now. What I want is, let it be taken up to-morrow after the official business is over. I also gather that the other House will not sit; if so, there ought not to be any difficulty at all in acceding to my request."

* THE HON. DR. T. S. S. RAJAN:—"I have no objection to taking up non-official business after the official business is over to-morrow."

MR. PRESIDENT:—"To-morrow non-official business will be taken up after the official business is over."

The motion was put and carried.

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

IV.—PAPER LAID ON THE TABLE OF THE HOUSE.

* Statement showing the resolutions passed by the House Committee during the Third Session of the Madras Legislative Council and the action taken thereon.

* Laid on the table on 7th August 1939.

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APPENDIX I.

[Vide answer to starred question No. 8 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 8th August 1939, page 55 supra.]

Rule 7 of the General Rules for Provincial Subordinate Services.

7. Communal representation.—(a) (i) Where the special rules lay down that the provisions of this sub-rule shall apply to any service, class or category, appointments thereto shall, so far as qualified and suitable candidates of the communities concerned are available, be made in the following order, namely:—

- One Non-Brahman (Hindu).
- One Muhammadan.
- One Non-Brahman (Hindu).
- One Anglo-Indian or Christian or Non-Asiatic.
- One Brahman.
- One Non-Brahman (Hindu).
- One member of the scheduled classes.
- One Non-Brahman (Hindu).
- One Muhammadan.
- One Non-Brahman (Hindu).
- One Anglo-Indian or Christian or Non-Asiatic.
- One Brahman.

Provided that this clause shall not apply to the first appointment to any service, class or category of a person recruited by transfer, but when such person is appointed a full member of such service, class or category, he shall be deemed to be a person appointed in the next turn allotted to the community to which he belongs in the order specified in this clause.

Explanation.—The expression "Non-Brahman (Hindu)" shall include every community other than the Brahman, the Muhammadan, the Anglo-Indian, Christian or Non-Asiatic, and the scheduled classes.

(ii) The stage at which the communal rotation specified in clause (i) shall commence when first applied to any such service, class or category shall be determined by the Provincial Government.

(iii) If a qualified and suitable candidate belonging to any community is not available for appointment to any such service, class or category in the turn allotted to that community

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under clauses (i) and (ii) or under this clause, a qualified and suitable candidate belonging to the community next in the order specified in clause (i) shall, if available, be appointed; but the former community shall have a preferential claim for consideration when any subsequent appointment is to be made to such service, class or category until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(iv) Where a probationer belonging to any community is discharged from any such service, class or category otherwise than for want of a vacancy therein, such community shall have a preferential claim for consideration when any subsequent appointment is to be made to such service, class or category until a suitable and qualified candidate belonging to that community has been appointed against that claim. For the purpose of clause (i) a candidate appointed in the place of a discharged probationer shall, if and when the discharged probationer is subsequently restored to the service, class or category as the case may be, be deemed to be a candidate appointed against the next turn allotted to his community under that clause.

(v) If, when an appointment to any such service, class or category is to be made, there are two or more communities having a preferential claim under clause (iii) or clause (iv), that community shall receive first consideration whose preferential claim first arose.

(b) (i) Where the special rules lay down that the provision of this sub-rule shall apply to any service, class or category appointments thereto otherwise than by transfer or promotion shall be so regulated as to secure, as near as may be, the distribution of membership in such service, class or category among the following communities in the proportion specified against each:—

Non-Brahman (Hindus)—Five out of twelve.

Brahmans—Two out of twelve.

Muhammadans—Two out of twelve.

Anglo-Indians, Christians and non-Asiatics—Two out of twelve.

Scheduled classes—One out of twelve.

Explanation.—(1) The expression 'Non-Brahman (Hindus)' shall include members of all communities other than the Brahman, the Muhammadans, the Anglo-Indian Christian or Non-Asiatic and the scheduled classes.

(2) Appointments to any such service, class or category by transfer or promotion shall be made irrespective of communal consideration.

[8th August 1939]

(ii) Every appointment to any such service, class or category otherwise than by transfer or promotion as aforesaid shall be made from that community which at the time of appointment is most disadvantageously situated with reference to the proportions specified in clause (i); if no qualified and suitable candidate of that community is available, a candidate from the community next in the order of disadvantage who is qualified and suitable shall be appointed. If it is found that the disadvantage of two or more communities is equal, a candidate belonging to any of such communities who is best fitted for the post shall be appointed.

APPENDIX II.

[Vide answer to starred question No. 9 asked by Mr. J. A. Sandanha at the meeting of the Legislative Council held on the 8th August 1939, page 57 supra.]

G.O. No. 16, Finance, dated 20th January 1939.

The Government have decided that the date of compulsory retirement of all ministerial servants under their rule-making control should be fixed as the date on which they attain the age of 55 years and that they should not be retained in service after that date except on public grounds.

The following notification is published:—

NOTIFICATION.

In exercise of the powers conferred by paragraph (b) of sub-section (2) of section 241 of the Government of India Act, 1935, His Excellency the Governor is hereby pleased to direct that the following amendments shall be made in the Fundamental Rules and the Subsidiary Rules thereunder, and that these amendments shall apply to all Government servants now in the service of the Provincial Government including those who were in service on 31st March 1937:—

AMENDMENTS.

(1) For clause (a) of Fundamental Rule 56 and the Note and the delegation thereunder, the following shall be substituted, namely:—

"(a) Except as otherwise provided in clause (c) of this rule, the date of compulsory retirement of a Government servant, whether ministerial or non-ministerial, is the date on which he attains the age of 55 years. He shall not be retained in service after that age except with the sanction of the Government on public grounds, which must be recorded in writing, but he must not be retained after the age of 60 years except in very special circumstances.

Note.—This rule does not apply to Government servants treated as in inferior service for the purposes of pension.

[8th August 1939]

Delegation under Rule 56 (a).—The head of a department is empowered to retain in service a Government servant after he attains the age of 55 years and up to the age of 60 years, provided that he, or an authority subordinate to him is competent to make a permanent appointment to the post held by the Government servant concerned. Extensions should not be granted for more than one year at a time.

2. Clause (b) of Fundamental Rule 56 and the delegation thereunder shall be omitted.

3. Note 2 under Fundamental Rule 86 shall be omitted.

(By order of His Excellency the Governor)

T. N. S. RAGHAVAN,
Deputy Secretary to Government.

To the Accountant-General, Madras.

„ Heads of Departments.

„ Departments of the Secretariat.

Copy to the Superintendent, Government Press, for publication of the notification in the *Fort St. George Gazette*.

„ Government of India, Finance Department (with O.L. and two copies).

„ Secretary to the Governor-General (Public) (with O.L. and two copies).

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, 9th August, 1939

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

L—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

* 13 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“This question has been already answered, Sir; therefore, I do not put it now.”

Sale of coffee husk and adulteration of coffee.

* 14 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to refer to the answer given to my question No. 214 on 25th March 1939, and to state—

(a) whether the Government have enquired and ascertained (i) if there is extensive sale in this Province of husk from coffee produced in this Province and Coorg, and (ii) if it is used for adulterating coffee;

(b) if so, what the result of the enquiry is; and

(c) whether Government have in view any legislation to stop the sale of coffee husk and adulteration of genuine coffee therewith?

THE HON. DR. T. S. S. RAJAN:—“(a) & (b) No enquiry has been made on the points referred to.

“(c) No proposal for legislation to stop the sale of coffee husk is under consideration. As the adulteration of coffee with coffee husk is prohibited by rules framed under the Madras Prevention of Adulteration Act, no legislation appears necessary.”

MR. J. A. SALDANHA:—“May I know whether the Government enquired into the reason why the evil is spreading? If there is the evil, I am afraid there will be much mischief done; I want to know whether Government have made the necessary enquiries, and if not, why not.”

THE HON. DR. T. S. S. RAJAN:—“The question is not whether the Government have made enquiries or not; the question is whether the Government have made any legislative provision to deal with the evil. The Government have

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already made provision according to the Prevention of Adulteration Act. I really do not understand what the hon. Member wants, Sir."

Amendment of Indian Lepers Act and relief to lepers.

* 15 Q.—MR. J. A. SALDANHA: With reference to the answer given to my question No. 287 on 15th May 1939, will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Indian Lepers Act is proposed to be amended to give relief to lepers and control the nuisance and danger arising from their loitering in public places and contact with other people; and

(b) when legislation may be expected in this direction?

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

“(b) In view of the answer to clause (a) this does not arise.”

Development of the coir industry.

* 16 Q.—MR. J. A. SALDANHA: With reference to the answer given to my question No. 237 on 11th May 1939, will the Hon. the Minister for Industries and Labour be pleased to state what steps have been taken by the Government for demonstration of improved methods of coir making in South Kanara and in other districts with large coconut plantations?

THE HON. SRI V. V. GIRI:—“The Government recently considered a proposal for the constitution of a coir demonstration party for employment in North Malabar or South Kanara. It had to be deferred for want of funds.”

MR. J. A. SALDANHA:—“May I enquire, Sir, whether the Government will find funds at an early date to extend it to Malabar and South Kanara which have large coconut plantations?”

THE HON. SRI V. V. GIRI:—“I hope so.”

Extension of the system of manual training and kindergarten in schools.

* 17 Q.—MR. J. A. SALDANHA: With reference to the answer to the supplementary question under question No. 253 answered on 12th May 1939, will the Hon. the Minister for Education be pleased to state—

(a) whether the present system of manual training and kindergarten is to be extended and developed and adopted compulsorily in all classes as supplementary to the literary courses, if not, as primary to them; and

(b) what provision is made or is to be made for funds to meet the expenditure for the purpose?

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THE HON. SRI C. J. VARKEY:—“(a) The revised syllabuses for elementary schools provide for the teaching of handicrafts in these schools.

“(b) Provision will be made, if funds permit, to meet the expenditure involved.”

MR. J. A. SALDANHA:—“May I enquire what the amount provided for the remaining period of the year is?”

THE HON. SRI C. J. VARKEY:—“This year the amount we are going to provide is Rs. 6,000 for two training schools.”

Recognition by the Government of the titles given by the Indian National Congress.

* 18 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government recognized officially the titles conferred upon certain individuals by the Congress; and

(b) if so, whether the Government will place on the table details of such titles in their order of merit?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) The Government do not recognize any titles as such, but cannot disregard obvious facts or names and expressions of regard and respect universally recognized or sometimes even big titles assumed or used by certain persons as part of their own or their friends' names.

“(b) Does not arise.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“I am not able clearly to understand the meaning of the answer.”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I have tried to answer a very difficult and delicate question as clearly as possible. I will read it again, and I am sure the meaning will be clear. (a) ‘The Government do not recognize any titles as such, but cannot disregard obvious facts or names and expressions of regard and respect universally recognized or sometimes even big titles assumed or used by certain persons as part of their own or their friends' names.’

“(b) Does not arise.”

SRI A. RANGASWAMI AYYANGAR:—“May I ask whether the Government are aware of the fact that ‘Mudaliyar’ itself originated as a title and has now become part of the regular name?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Yes, Sir; as much as ‘Ayyangar’ and ‘Chariar.’” (Laughter)

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SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“ May I ask whether ‘ Sardar ’ was recognised by the Government? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ ‘ Sardar ’ falls under the class which I referred to as ‘ expressions of regard and respect universally recognised ’ in the country.”

Expenditure for Revenue Divisional offices and proposal, if any, to abolish them.

* 19 Q.—SRI P. VEERABHADRASWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) what the total expenditure incurred by the Government is for all the Revenue Divisional offices in the Presidency in 1938-39; and

(b) whether there is any proposal to abolish these offices?

THE HON. SRI T. PRAKASAM:—“ (a) The Budget Estimate and the Revised Estimate for 1938-39 are given below:—

		Budget estimate.	Revised estimate.
		RS.	RS.
Charged		5,28,000	4,69,000
Voted		14,22,300	15,06,200
Total		19,50,300	19,75,200

“ The actual expenditure for that year is not yet available.

“ (b) There is no such proposal.”

Patients thrown out of the Tirumani Leper Settlement and other leper asylums and provisions for housing them.

* 20 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Public Health be pleased to refer to the answer given to my question No. 248 on 12th May 1939 and to state—

(a) whether the Government can now give the approximate number of the leper patients thrown out of the Tirumani Leper Settlement and leper asylums aided by the Government as a result of the action taken on G.O. Ms. No. 4535, P.H., dated 19th December 1938;

(b) whether the Government have ascertained if any charitable institutions have undertaken to house and care for such thrown-out patients;

(c) if so, which of them and to what extent such offers have been made; and

(d) whether the Government are prepared to give grant-in-aid to such agencies?

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THE HON. DR. T. S. S. RAJAN:—“ (a) Two hundred and eighty.

“ (b) & (c) Government have ascertained that no charitable institution is prepared to house and care for these patients except the Roman Catholic Mission, which is prepared to house the patients discharged from the Leper Hospital, Kumbakonam, on payment of grant by the Government for their maintenance.

“ (d) The matter will be considered.”

MR. J. A. SALDANHA:—“ May I enquire how many persons from Tirumani were thrown out? The figures given apply to all the places; I want figures for the Tirumani settlement separately.”

THE HON. DR. T. S. S. RAJAN:—“ This is for the whole Province, Sir. For the whole Province, the number is 280.”

MR. J. A. SALDANHA:—“ What is the number in the case of the Tirumani settlement alone? ”

THE HON. DR. T. S. S. RAJAN:—“ If the hon. Member will please put a separate question to that effect with due notice, I shall answer it.”

Dumping of Ceylon coconuts in the Presidency.

* 21 Q.—SRI RAO BAHADUR M. RAMAN: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government contemplate taking any measures to stop or reduce the dumping of Ceylon coconuts into this Province and particularly into Malabar?

THE HON. SRI V. V. GIRI:—“ The matter is under correspondence with the Government of India.”

SRI T. C. SRINIVASA AYYANGAR:—“ Will the Hon. Minister be pleased to state what is the extent of the interest in coconut plantations which the South Indians possess in Ceylon, and its value? ”

THE HON. SRI V. V. GIRI:—“ If the hon. Member puts another question separately, I shall answer.”

Alleged change of school text-books by the President, Tanjore District Board, before the prescribed period.

* 22 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the President of the Tanjore District Board changed text-books prescribed for board high schools in June 1939 and circularized the headmasters to adopt

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the new books before the expiry of the five years' period fixed by the Government;

(b) if so, what the reasons adduced are for this change, whether the headmasters were consulted about the necessity for this change and whether the approval of the District Educational Officer was obtained before issuing the circular as required by the rules; and

(c) when the text-books were prescribed last?

THE HON. SRI C. J. VARKEY:—“(a) to (c) The Government have no information of the change of books referred to. The assumption that a change of text-books within five years of their introduction is not permissible is not correct. The existing rules are to the effect that there should normally be no change of books within two years of their introduction.”

Alleged theft of cash from Omalur Police station, Salem district, and steps taken to detect the culprit.

* 23 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that a sum of Rs. 1,500 was stolen from the Omalur Police station, Salem district;

(b) if so, when and under what circumstances;

(c) what action has been taken for detecting the theft; and

(d) what are the names of the Sub-Inspector and Circle Inspector who were in that station when the amount was stolen and whether they are still in that station?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) to (c) The Sub-Inspector of the Omalur Police station cashed the pay cheque of Omalur Circle at 4-30 p.m. on the 7th July 1939. He was in the station till 8 p.m. disbursing cash and had disbursed about Rs. 780-12-5. He placed the rest of the money along with the permanent advance of the station in the cash chest in the station-house officer's room and, after locking the room, proceeded to an adjoining village on duty. During the night, the room was broken open and the cash chest with Rs. 1,158-8-7 was stolen. The case is under investigation.

“(d) The report of the Inspector-General of Police shows that everything possible is being done for the detection of the crime as well as the punishment of officials guilty of any neglect. The Government do not propose to start a new precedent of naming officials in the manner suggested. As

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regards the suggestion that the Inspector and Sub-Inspector may be transferred, it may possibly help the thieves if this is done, but the Inspector-General of Police knows his work.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“May I know whether anybody has been placed under suspension on this account?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I have answered the question under ‘transfer.’ I do not think that anybody has been placed under suspension, because, as I have already said, it will greatly help the thieves if the men who know the facts are moved from the place.”

Measures, if any, for checking the evil arising from lotteries and prize competitions.

* 24 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Law be pleased to refer to the answers given to my questions Nos. 4 and 5 on the 15th August 1938 and to state—

(a) whether the Government have enquired and found the extent of evil arising from lotteries and prize competitions so great as to need legislation to check the evil; and

(b) if so, when a Bill will be brought before the Legislature for the purpose?

THE HON. DR. P. SUBBARAYAN:—“(a) & (b) No enquiry was made in the matter; but the Government are aware that the evil exists. Necessary legislation will be undertaken as early as possible.”

Alleged cancellation before the due date of the licence granted to the Venkatesa Touring Talkies, Tiruturaipundi.

* 25 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Law be pleased to state—

(a) whether it is a fact that the District Magistrate of Tanjore cancelled the licence issued to the Venkatesa Touring Talkies, Tiruturaipundi, in the month of May 1939 even before the expiry of the period for which the licence was granted;

(b) what the reasons are for the cancellation of the licence;

(c) whether the licence was cancelled on receipt of any complaint;

(d) if so, who the complainant is and to whom the complaint was preferred;

(e) whether any enquiry was made to ascertain the truth or otherwise of the complaint;

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(f) whether any appeal was preferred to the Government by or on behalf of the proprietor of the Venkatesa Touring Talkies; and

(g) whether the Government will place on the table the complaint received, if any, the appeal petition of the proprietor of the said Venkatesa Touring Talkies and the orders passed thereon?

THE HON. DR. P. SUBBARAYAN:—“(a), (c) & (e) The answer is in the affirmative.

“(b) The licence was cancelled as Tiruturaipundi is a small place where there is a permanent cinema and as the continuance of a second cinema there might produce unhealthy competition.

“(d) The complainant was the proprietor of the Sundaram Talkies, Tiruturaipundi, and the complaint was preferred to the Government.

“(f) A petition was sent to the Government on behalf of the proprietor of the Venkatesa Touring Talkies.

“(g) The Government do not consider that any useful purpose would be served by placing these papers on the table of the House.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“May I ask the Hon. Minister whether the Government made any enquiry before they ordered the cancellation of the licence?”

THE HON. DR. P. SUBBARAYAN:—“No, Sir; I have said in the answer that a single cinema would be sufficient for a place like Tiruturaipundi.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“May I know whether the Hon. Minister visited Tiruturaipundi recently?”

THE HON. DR. P. SUBBARAYAN:—“As far as I am aware, not very recently, Sir; I think I went there about three months ago.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“May I ask whether the cancellation was ordered by the Hon. Minister when he came to Tiruturaipundi or afterwards?”

THE HON. DR. P. SUBBARAYAN:—“I am not sure of the exact date, but I believe it was long before I visited the place.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“May I know whether there was any black flag demonstration when the Hon. Minister came to Tiruturaipundi?”

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MR. PRESIDENT:—“That is not a supplementary question.”

THE HON. DR. P. SUBBARAYAN:—“I said then that I did not object to such black-flag demonstration.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“May I know whether the cancellation had anything to do with the black-flag demonstration?”

THE HON. DR. P. SUBBARAYAN:—“I think the hon. Member must know better; because perhaps he was himself responsible for the black-flag demonstration. (Laughter) I am afraid he is mistaken there, because I said that even then I did not mind the black-flag demonstration.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“I may state that I was in Madras when the Hon. Minister visited the place and that I had no hand in the black-flag demonstration.” 11-16 a.m.

MR. PRESIDENT:—“The hon. Member has no right to comment upon the answer.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“But that apart, Sir, does not the answer given by the Hon. Minister show that the cancellation was due to the prejudice of the Minister?”

THE HON. DR. P. SUBBARAYAN:—“No. I am afraid the hon. Gentleman is wrong in his presumption. I have made it clear that the black-flag demonstration had nothing to do with the cancellation.”

Prevention of the import of foreign rice and paddy into South India.

* 26 Q.—SRI RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government addressed the Government of India regarding the prevention of the import of foreign rice and paddy into Southern India; if so, when and with what result?

THE HON. SRI V. V. GIRI:—“The answer is in the affirmative. This Government have made several representations to the Government of India, the latest being in July 1939. The final result will be known when the Government of India arrive at a decision in the matter.”

SRI T. C. SRINIVASA AYYANGAR:—“In view of the large number of Indians in Burma in various walks of life, will the Hon. Minister be pleased to furnish information to the House as to how far the prevention of the import of rice from Burma would act and react upon the interests of Indians there?”

THE HON. SRI V. V. GIRI:—“I must have notice of the question, Sir.”

[9th August 1939]

Amendments to the rules under the Elementary Education Act for improving the status and welfare of teachers in aided schools.

* 27 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Education be pleased to refer to the answer given to my question No. 129 on 14th December 1938 and to state—

(a) whether any alterations have been found necessary in the rules under the Madras Elementary Education Act in operation in aided schools;

(b) whether the Government have had any scheme for the welfare of teachers in aided schools as in the case of teachers in local board and municipal schools under statutory rules made by the Government;

(c) if so, what the scheme is; and

(d) whether the Government propose to give the scheme a statutory basis?

THE HON. SRI C. J. VARKEY:—“(a) The rules referred to by the hon. Member have not yet been brought into force. The question of altering them can be considered only after they have been in force for some time, at least a year.

“(b) to (d) It is not clear what exactly are the statutory rules applicable to teachers in board and municipal schools which the hon. Member has in mind. If he will specify the rules, the question of making them applicable to teachers in aided schools will be considered.”

UNSTARRED QUESTIONS.

Measures for regulating working hours and for providing amenities for labourers in small workshops.

1 Q.—MR. J. A. SALDANHA: Will the Hon. the Minister for Industries and Labour be pleased to state what steps the Provincial Government have taken and propose to take for regulating the working hours and for providing the necessary amenities as to health and comforts in small workshops and cottage industries?

A.—The Government have notified groundnut decorticating factories, beedi factories and match factories as factories under section 5 (1) of the Factories Act. The question of notifying more small factories will be considered later.

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Salaries and allowances of officers in the Territorial Force in the Province.

2 Q.—MR. J. A. SALDANHA: With reference to the answer given to my question No. 288 of 15th May 1939, will the Hon. the Prime Minister be pleased to place before the House a statement showing the salaries and allowances sanctioned for the officers of the several Territorial Forces in this Province?

A.—A statement* is laid on the table of the House.

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

II.—HOUSE COMMITTEE.

MR. PRESIDENT:—“I have to announce to the House that the following candidates have been nominated for election to the House Committee:—

- 1 Sri Medai Dalavoi Kumaraswami Mudaliyar
- 2 Sri L. Subbarama Reddi
- 3 Sri Rao Bahadur M. Raman
- 4 Sri M. Narayana Menon
- 5 Sri V. Ganga Raju, and
- 6 Mr. J. A. Saldanha.

As the number of candidates nominated is equal to the number of vacancies to be filled, viz., six, I hereby declare them to have been duly elected to the House Committee.

“In addition to the above, under rule 143 of the Madras Council Rules, I nominate the following two Members to be Members of the said Committee:—

- 1 Mrs. Mona Hensman and
- 2 Sir Frank Birley.”

III.—GOVERNMENT BILLS.

- (1) THE MADRAS CO-OPERATIVE LAND MORTGAGE BANKS (AMENDMENT) BILL, 1939, AS PASSED BY THE ASSEMBLY.

THE HON. SRI V. V. GIRI:—“Sir, I beg to move—

‘that the Bill^b further to amend the Madras Co-operative Land Mortgage Banks Act, 1934, for a certain purpose, as passed by the Assembly, be taken into consideration at once.’

“I do not desire to take up the time of the House by narrating what has been already stated in the Statement of Objects and Reasons attached to the Bill. The Bill is intended mainly to

* Printed as Appendix I on page 164 infra.

^b Printed as Appendix II on pages 165–167 infra.

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BILL, 1939, AS PASSED BY THE ASSEMBLY

[Sri V. V. Giri]

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facilitate the disposal of applications for loans made to the primary land mortgage banks. The difficulties of the applicants and the remedy proposed are mentioned in the Statement of Objects and Reasons. I am sure the House will accept this motion."

* SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—" May I ask the Hon. Minister for some information? It is said that 'such officers of the co-operative banks as are authorized by the Government in this behalf can compel the creditors to produce the necessary documents in their possession.' In that case, may I know whether they are going to pay travelling allowance to the people who have to produce the documents, and, if so, whether the banks will bear that expenditure or the applicants who ask for loans have to bear it? "

THE HON. SRI V. V. GIRI:—" I do not know the position exactly; but I take it that if they are summoned, they will be paid their fare."

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—" By whom? "

THE HON. SRI V. V. GIRI:—" Most probably at the instance of the applicants."

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

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI V. V. GIRI:—" Sir, I move—

'that the Bill be passed into law.' "

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

(2) THE MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT)
BILL, 1939, AS PASSED BY THE ASSEMBLY.

* THE HON. SRI V. I. MUNISWAMI PILLAI:—" Sir, I beg to move—

'that the Bill further to amend the Madras Commercial Crops Markets Act, 1933, for certain purposes, as passed by the Assembly, be taken into consideration at once.'*

" Clause 3.—In the original Act, there is a provision that among others four persons can be elected by the licensees. But, now, the Government think it advisable to enlarge the electorate

MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT) 119
BILL, 1939, AS PASSED BY THE ASSEMBLY

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by including besides these licensees, the buyers, sellers and buyers and sellers of cotton.

" Clause 4.—The Committee gets information at present from Bombay by paying Rs. 7-12-0 per day. But if the society gets itself registered it can get the information by paying Rs. 5-4-0 per day gaining something like Rs. 875 per annum. So under clause 4 we are enacting that the society can get registered as a news agency.

" Clause 5.—The existing Act provides for expenditure for establishing and regulating markets. The present Bill seeks power for expenditure on cultural improvements. But the Government are taking power to see that the expenditure is controlled. We have also made provision not to disturb the term of office of the existing members due to the enlargement of the electorate brought about by clause 3.

" With these few words I request the House to accept my motion."

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

Clauses 2, 3, 4, 5, 6 and 7 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

* THE HON. SRI V. I. MUNISWAMI PILLAI:—" I move—
'that the Bill be passed into law.' "

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

(3) THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL, 1939, AS
PASSED BY THE ASSEMBLY.

THE HON. SRI B. GOPALA REDDI:—" Mr. President, I beg to move—

'that the Bill further to amend the Madras City Municipal Act, 1919, for a certain purpose, as passed by the Assembly, be taken into consideration at once.'*

" Sir, the contents of the Bill have been before the House for a long time and we had a long discussion of the measure in the Assembly. The Bill seeks to introduce simultaneous elections in all the wards of the City Corporation. Under the present system 15 seats fall vacant every year and elections are held annually. This system of annual elections disturbs the administration of the

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Corporation. Bombay, Calcutta and Karachi have the system of simultaneous elections once in three, four or five years. In Madras also we want to introduce that system.

"In this connexion I may inform the House that we have undertaken this legislation at the instance of the Corporation itself. A resolution to have simultaneous elections for the Corporation was passed by that body, 28 members voting for it and 9 against. Four members remained neutral. Out of the 28 members who voted for the proposition 7 were non-Congress councillors.

"The next thing to be noted in this connexion is that when we accept the principle of simultaneous elections we have to postpone this year's elections to some other date. We have taken 1940 as the year for the next elections because the councillors who were elected in 1938 should not be asked to face the electorate within that time. In the case of people who were elected in 1936, they will get one year added to their normal life as councillors. These are the consequences of the amending Bill. I hope the House will accept my motion."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
"Sir, I rise to oppose this motion. The Hon. Minister told the House that he brought forward the Bill as per the recommendation of the Corporation. He gave also the number of persons who voted for the resolution of the Corporation, to show that it was not the Congress councillors only that voted for the resolution. I should like to quote a few passages from the proceedings of that meeting of the Corporation at which this resolution was adopted.

1-30
a.m.

"Sir, the resolution reads thus: 'That this Council resolves to request the Government to suitably amend the Madras City Municipal Act IV of 1919, so as to provide for simultaneous elections to all the divisions of the City once in three years and further requests the Government to give effect to this from 1941.'

"In moving that resolution, Mr. Satyamurti, the Leader of the Congress Party stated that this form of election was there only for one or two years; but it was contradicted by the other side who stated that this mode of election was there from the year 1919 and subsequently Mr. Satyamurti has himself accepted that correction.

"Mr. Basu Dev in opposing that resolution stated: 'Sir, if to-day Mr. Satyamurti and his party want to know what the public think of them and their policy, I do not want them to wait till 1941. To-day I throw a challenge to them that we on this side will resign our seats; let them also all resign their seats and let there be a general election held for all the 40 divisions to-day. Why wait till 1941?'

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"Mr. Damodara Nayudu said:

'The real reason for his awakening is the reverses which the Congress Party suffered in the City Municipal elections in the early part of 1938 and the latter part of 1938. Mr. Satyamurti now thinks that if these elections are postponed in the years 1939 and 1940, his party will continue to have a majority and that he can rule the roost as he has been now doing. Otherwise I cannot understand why the Congress Party should bring in a resolution at a special meeting when the same was defeated last month. He now wants to snatch a vote.'

"It was pointed out that it was not defeated 'last time,' and that leave was not granted to move it.

"I shall now read the statement of Mr. Satyamurti, the Leader of the Congress Party in the Corporation Council:

'I am not in the confidence of the Madras Government as Mr. Damodaram Nayudu seems to be. Therefore I cannot say what the Government will or will not do. But I will say this: this Council is voting for this resolution, and not voting for what is in the mind of the Government. We are asking, in this resolution, for elections being held only in 1941 simultaneously for all the divisions. Let there be no mistake about that.

"And the voting would have been based only on the statement of the Leader of the Congress Party who is no other than Mr. Satyamurti Ayyar.

"The Hon. the Minister for Local Administration did not give any reason for advancing the election to 1940. If they really want to hold triennial elections, why not they accept the suggestion made in the Corporation Council? I now make the offer to the Hon. Minister to conduct the elections for all the seats in this year in November 1939, or if he thinks it is too early, at least in January 1940. Sir, after reading a speech of the Hon. Minister for Local Administration, said to have been made in one of the Northern districts 'that the decision for abolishing the Chirala Municipality is not based on anything connected with the mal administration or anything connected with the finances of that municipality,' but solely on political grounds and after hearing his statement on the floor of the House that he cannot forget that he is a party man first and Minister second, am I not justified if I say that this piece of legislation is intended solely with the desire to save his party men from defeat this year and try his chance next year. I can assure him that even if they go to the polls next year they are not going to fare better than this year. However, if the party in power really wants to follow the democratic principle, the Minister must accept the challenge thrown out by the Opposition in the Corporation Council by allowing the elections to be conducted this year or to conduct the elections this year and allow the new Act to come into force from the year 1941 as the Leader of the Congress Party stated in the Corporation Council. If you state that the general election will be held in the year 1940 and conduct the election this year, and

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if a person comes forward to contest this election, he is taking a risk. Why do you want to consider the convenience or inconvenience of the candidates who are going to contest the election with eyes open? On the other hand, if the Government's intention is really that they should not penalize the members who were elected last year, I do not ask them to do it. But conduct the election this year with a clear notice to them that the election according to the principle of triennial elections will be conducted in 1941. Therefore, if I say that this legislation is simply intended to protect the few councillors of the Congress Party from facing a defeat in the election, I will not be wrong. I hope that the House will not agree to this motion."

* SRI K. MADHAVA MENON:—"I am not surprised, Sir, at the motive attributed to the Government for this resolution by the Leader of the Opposition. Everything seems yellow to the jaundiced eye. The Justice Party has not done anything without a motive, whether personal or party motive and they cannot see anything else in others. If they do even a good thing, they will find a motive behind it. Yes, Sir, the motive behind is proper continuity, proper administration. Having elections every year—I have been in local bodies for the last 16 years and at the time also when there were these annual elections in municipal councils—upsets the entire administration. It makes every year always exciting and normal activities are put a stop to. The Leader of the Opposition has thrown out a challenge that even after this is done the Congress will not win, that they will win. All right, you have a better chance of getting an absolute majority. You fight in 1940, get a majority and you need not be afraid of these 16 councillors changing after that. Why should he attack the Government for having advanced the time of election by one year? Why not they fight and succeed in 1940? You say, or insinuate, that the Congress has a majority now and that the Congress wants to continue that majority for one year till 1940 and that that is the reason for this resolution. Why do you want one year's life more by asking to postpone the elections to 1941? I really cannot see any reason behind it. 'It is bad', everything done by the Congress is bad for the Leader of the Opposition. That is the only ground for opposition to the resolution that I can understand. The abolition of this system will certainly help the continuity of the administration and any party, the party to which the Leader of the Opposition belongs or the party to which I have the honour to belong, can do anything and get a secure tenure of three years."

* SRI K. VENKATASWAMI NAYUDU:—"Mr. President, this system of simultaneous elections exists everywhere—throughout the country and throughout the world. In all other municipal Corporations annual elections have been abolished. In all the

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municipalities and local boards also, Sir, you have got these simultaneous elections. And it is only in our Corporation that we find this old system, a thing not felt to-day or yesterday but years together. And it is only by having simultaneous elections that we can have a good administration. It is not like the Assembly, Sir, where it is run on a party system, where you can dissolve it when the House does not have a majority. Sir, at least three years' time must be given to see that the council shows a new policy. Every year you are asked to face elections and there is the possibility that the councillor may say, 'This is my election year, do not have this or that.' And every year this rotation of these elections is going on. As we have found this system of triennial elections successful in every local body we can try it in the Madras Corporation also.

"Then, Sir, my friend Mr. Samiappa Mudaliyar said that there are political reasons behind this Bill. Mr. Madhava Menon, the Chairman of the Calicut Municipal Council, said that between 1939 and 1940 there is not much difference. There is no political motive behind this matter at all. Our friend asks, 'why not have it this year itself?' But I ask, 'Is it fair to ask the member to face an election, when he was elected last year only?' He can say, 'I was elected last year, and can this Legislature ask me in August without sufficient notice to face the elections?' In any country, Sir, elections are held simultaneously for the Assembly and the country faces the elections. It is not proper for one member there or one member here to be asked to face the elections in 1940. After all, between 1940 and 1941 there is not much difference. I think that the question of motive is not at all very important in this matter. Sir, while I am on this matter I may say that I was so surprised the other day when the Leader of the Opposition said in the other House that the resolution was a scrap of paper and it must have been thrown into the wastepaper basket and the Government had the grace of putting it as a Bill. I am surprised that an ex-Mayor should have thus slighted the Corporation Council."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"Sir, can the hon. Member repeat a speech from the other House?"

* SRI K. VENKATASWAMI NAYUDU:—"I do not pursue it. However, I simply say it was a matter before the public, that I only wanted that this Corporation which is getting Rs. 65 lakhs per annum—an embryo Parliament—must be given the same facilities as Parliamentary institutions. The Corporation Council must be given three years to show at the end of it what good work it has done, whereupon the citizens should decide whom to send as their representatives. This reform was long due and I am glad the Government have brought this important measure just now."

[9th August 1939]

11-45
a.m.

* SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“ I am sorry I should also oppose this Bill. At the outset I should like to inform the Hon. Minister that I do not attribute any motive to him for this action. I am sure he has been convinced of the principle that this measure is good. But as a thinking man I also should like to put forward my view in the matter, because this Bill attempts completely to change the present system of elections and also to postpone the elections temporarily for a period of one year or two. So I oppose it. As a person who had something to do with the administration of local bodies, I have found that if 40 or 50 members in a district board are returned in one year as a result of the elections simultaneously, it is only a very few old members who will be re-elected and they will wield a lot of influence in the district boards. As a matter of fact, a district board meeting is converted into a cabinet meeting and a few members who have been re-elected headed by the president of the district board carry on the whole administration. The newly elected members, however educated they may be, are not in a position to know the working of the boards or their own power. I am speaking of the real state of affairs which I found in my district board. I think the same thing holds good in the case of the Corporation also. If out of 40 or 50 members one-third go out every year and two-thirds remain in office, the result would be the majority of members will be able to understand the working of the Corporation and the defects. Otherwise, if all the 40 or 50 members are elected simultaneously for the first time I am afraid only those old members who have been re-elected will have some influence and be able to know about the administration, but the rest will take one or two years to understand the affairs relating to the administration of the Corporation. I do not attribute any motive to my Hon. Friend the Minister for Local Administration. I am in entire agreement with him in his desire to make a reform and to get all the new members elected simultaneously. But I should like to point out that the disadvantages outweigh the advantages in this. That is why I suggest that a certain proportion of members may be allowed to be continued in office, say about two-thirds of the members and the rest one-third may go out of office every year. Again, we are told that there is a section of people who say that a member should not continue in office for a period of three years. But some people say that they should be there. If you have the elections only in one portion of the city, now that you have got the party system working well, you can organize and conduct the elections very efficiently. If you have the elections every year, then the public will have an opportunity of finding out whether their representatives are doing their work in the Corporation well or not. After all, there is not going to be election throughout the whole city. So there will not be

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much confusion, if only some 15 seats are thrown open for election. If you have got 40 or 50 seats and if you hold the elections once in three years for all those seats, then only there will be a lot of trouble and confusion. What I say is this: there should be some old members in the council in order to guide the deliberations of the council; otherwise the Commissioner and the very few people who are re-elected will have a predominant voice in the affairs of the Corporation. I have practically no objection to postponing the elections for one year, if Government have got no motive behind it in so doing. What I ask is: ‘What is the harm in continuing the same old system which has been going on for the last 17 years?’ At no other time our Corporation has put forward this plea. This is the first time it has done so. If it has done so, why not ask it to reconsider its position, and then it will be time enough for them to come again before this House and ask for changing the present system. Now I think it is rather in a hasty manner that the Hon. Minister has brought forward this amending Bill.”

THE HON. SRI. B. GOPALA REDDI:—“ They made their representations in January last.”

* SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“ Again we are told that in the Bombay and other Corporations of India we have got only periodical elections. Madras has earned the unique pride that our Premier is giving lead to other Provinces in the matter of having introduced certain other important pieces of legislation. Well, I ask why they should not also have the credit that they have their own procedure for the elections to the Corporation and why other Provinces should not take a leaf out of their book and copy it. I think there is no disadvantage in this.”

* SRI B. BHEEMA RAO:—“ Sir, only one principle is involved in this legislation and it is this: whether the council which has been elected should exist there for three years or we should make one-third of the members retire once in a year. That is the principle. The retirement of one-third of the members annually was tried under the District Municipalities Act, in fact by the Justice party, in 1921. Then they adopted this principle of retiring one-third of the members in the first year, one-third in the second year and the rest in the third year. Well, after trying this principle for two years the Justice party found that it greatly prevented the progress of civic affairs in our municipalities. Then they brought forward legislation to abrogate that principle. They afterwards reverted to the old system and enacted legislation that when a council has been elected, it should continue for three years. This is the principle obtaining under the District Municipalities Act. Even in the case of the premier

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City Corporation, it is better that this system of the councillors serving for three years should continue. So far as this principle is concerned, I do not think there would be any marked public opinion against it.

“There is a subsidiary question regarding which the hon. the Leader of the Opposition has attributed some motive to the Hon. Minister. I am very sorry for it. There is only one point which I wish to refer to in that connexion. The hon. the Leader of the Opposition says, ‘Let all the members go out, as the Leader of the party suggested, this year.’ That is the suggestion that is made. One has to consider the position of those councillors who have been elected last year. They are entitled to serve under the Act for three years. Why should they be turned out now? Let them give one more year’s service to the Corporation, and let the electorate then judge whether their representatives have done good work and whether they can return them again. So, I think both on grounds of principle and expediency that proposition is unacceptable. I hope the House will support this legislation.”

THE HON. SRI B. GOPALA REDDI:—“Two members have spoken against the Bill. One did not say anything about the principle of holding simultaneous elections. The other did not say anything about the postponement of this year’s election, but only objected to the main principle of the Bill. As regards the principle of having rotational elections, had I been convinced of the soundness of this principle, I certainly would have retained it in the City Municipal Act. Mr. Ramakrishna Reddi has paid a tribute to the Government and the Hon. Premier for giving a lead to other Provinces and we could have had the proud privilege of having a distinct characteristic of our own so far as the administration of the Corporation is concerned by continuing the rotational system of election, had the principle now existing been favourable for the carrying on of our civic administration properly. It is not right that the majority party which has been charged with the very difficult responsibility of carrying on the administration should be put on the defence year after year. They must be in a position to formulate a policy and carry on the work for three years; and if they are allowed to do so, at the end of three years they can go to the electorate and tell them what they have been able to achieve in the course of those three years. To ask the majority party to be on the defence every year and to be attacked, not by the entire electorate, but only by a portion of the electorate, is not a wholesome principle. As far as I can see, no definite policy or programme can be placed before the electorate. If they have to go and face a general election in all the wards, they can issue an election manifesto and ask the people to elect their

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verdict in the light of that manifesto. But if it is only a case of a few wards having election, it would be difficult also to issue a new election manifesto every time. I am sorry I am not convinced of the soundness of this system. As my hon. Friend Mr. Bheema Rao said, this system was tried in district municipalities for over ten years and it was given up as early as 1930 and we never had that system in the district boards. I am also sorry to hear my friend, Mr. Ramakrishna Reddi, say that only the re-elected people have some influence and new people have no influence. I do not agree with that. There may be some people who may be highly qualified and although they might have been newly elected, they may wield some influence. I am also aware of cases where new members were elected as presidents immediately and wielded enormous influence. It all depends upon the personality of the man or the way in which he understands the working of the district boards and municipalities. The simultaneous elections system is working in district boards and municipalities and so we thought we could have simultaneous elections in the case of the Corporation also. That is the reason why we have accepted the resolution of the Corporation which was passed by such an overwhelming majority and I am thankful to the hon. Member, Mr. Ramakrishna Reddi for indirectly supporting the proposal for postponement of elections also.

“As regards the postponement of the elections when once you accept the main principle that we should have simultaneous elections, it is not desirable to have the elections according to the old system in 1939 and 1940. When we are convinced of the soundness of the principle of having simultaneous elections, we must once for all give up the present system of rotational elections and not postpone it. So there is no point in passing this legislation in August 1939 and have the elections according to the old system in October of this year again. Some people may say that it is in order to give one year’s extension to certain Congress councillors that we are doing it. I must repudiate that suggestion. It is not fair to those Congress councillors or to the Government to impute such motives. The Congress councillors themselves suggested that simultaneous elections should be held from 1941, but we did not accept that. Although some of the Congress and non-Congress councillors suggested that we might have this system from 1941, we did not yield to their persuasion. We stick to 1940 because without the least disturbance we can have the elections in 1940. If it is postponed to 1941, it will give five years life to members elected in 1936. There is also another point. If the elections for all the 45 divisions were to be held in 1939, the hon. Leader of the Opposition himself would have said that because nine non-Congress councillors were elected in 1938 we were bringing in this legislation to cut short their period

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of membership by two years. He would read motives into the Bill even in that contingency. In order to avoid that, we have given some time and arranged for the elections to be held next year. As Mr. Venkataswami Nayudu said, it is not fair to the electorate to ask them to go to the polls in all the 45 divisions without proper notice.

"I may also point out, Sir, that it is not unusual to give these extensions whenever they are necessary. In the case of elections to district boards, sometimes for want of time for preparing the electoral rolls or for some other reason, many extensions have been given. I need not remind the hon. the Leader of the Opposition how the Tanjore elections which were due in 1935 were postponed till 1936 because the Minister then in charge of Local Administration divided the 24 districts into three groups, placed Tanjore in group three and extended the life of the Tanjore District Board by one year, so that the elections which were due in 1935 were held in 1936. Again, Sir, the Chicacole District Board (the old Ganjam District Board) had extensions three times. Elections were held in 1932 and the next elections were due in 1935, but on account of this grouping Ganjam went into the first group and the elections to that board were postponed to 1936 by special legislation. The elections to the Chicacole board were postponed to 1937. After we came into office, because we could not get the electoral rolls prepared in time, we had to postpone the elections to 1938. So I submit that extensions have been given according to the exigencies of the case and the Opposition need not unnecessarily read motives into this postponement. Sir, I wish them well if they defeat us in the next elections. We will take the defeat cheerfully, if it comes in 1940 or 1941 or even in 1939. But to say that we want to give extensions to a set of Congress councillors in the Corporation and therefore we are bringing in this Bill is unfair. Sir, I move that the Bill be taken into consideration."

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

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI B. GOPALA REDDI:—"I move—

'that the Bill be passed into law'."

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

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(4) THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) BILL, 1939, AS PASSED BY THE ASSEMBLY.

THE HON. SRI B. GOPALA REDDI:—"I beg to move, Sir,—

*'that the Bill * further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for certain purposes, as passed by the Assembly, be taken into consideration at once.'*

"Sir, there are four points in this Bill and the Statement of Objects and Reasons makes them clear. So I need not make a long speech at this stage."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I ask the Hon. Minister what are the amounts of deposits he proposes to fix for these candidates?"

THE HON. SRI B. GOPALA REDDI:—"Fifty per cent of the deposits required from the other candidates. It is Rs. 50 in the case of other candidates for municipal elections; so the deposit in the case of depressed class candidates will be Rs. 25. The deposit in the case of district board elections for depressed class candidates will be Rs. 50."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"I do not oppose it."

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

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI B. GOPALA REDDI:—"I move—

'that the Bill be passed into law'."

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

[9th August 1938]

IV.—NON-OFFICIAL BUSINESS.

Resolutions.

MR. PRESIDENT:—"Government business is now over and the House will now take up non-official business. Diwan Bahadur R. Srinivasan who has given notice of the first resolution* on the agenda is not in his place."

SRI RAO BAHADUR M. RAMAN:—"He will be coming presently, Sir."

MR. PRESIDENT:—"I understand that he has intimated to the Secretary that he is not moving his resolution. So it shall be deemed to have been withdrawn. Mr. Saldanha will move his resolution."

(1) REPRESENTATION OF INDIAN CHRISTIANS IN THE SERVICES.

* MR. J. A. SALDANHA:—"Mr. President, I beg to move the following resolution which stands in my name:—

'This Council recommends to the Government that necessary steps should be taken to increase the representation of Indian Christians in the services in proportion to their advance in education and culture.'

Sir, I have ventured to move this resolution in order to stress the fact that the communal Government Order is too slow in its operation in the case of Indian Christians. We are thankful that the Government have recognized the great advance we have made in education and culture. We have attained that stage only at the sacrifice of the best of our men and of the flower of our womanhood and so much of our money at the altar of education. When I say the flower of our womanhood, some of you may be surprised, but you will have only to look around and see the convents in which hundreds of our sisters are sacrificing themselves for the purpose of education by giving up the world, to realize the force of what I have said. Our literacy standard is very high as compared with that of other communities except Brahmans. It is 18 to 25 per cent. It was 18 per cent in 1931

*SRI DIWAN BAHADUR R. SRINIVASAN:—

This Council recommends to the Government to give wide publicity by beat of tom-tom in all casteless villages and every group of scheduled caste hamlets, to the G.O. No. 2660, L. & M., dated 25th September 1924, and sections 126-A, 157-A and 167 of the Local Boards Act, and sections 180, 180-A, 227-A and 259 of the District Municipalities Act, declaring that there is no objection to any person or persons belonging to any class or community walking through any public road, street or pathway, that there is no objection to any person belonging to the depressed classes having access to the premises of any public office, well, tank or places of public resort or market or to places and buildings where public business is transacted, in the same manner and to the same extent as persons belonging to the community of caste Hindus in the country and that any person causing obstruction to any other person in the use and enjoyment of the above amenities, is liable to be punished with a fine which may extend up to Rs. 100.

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and now nearly a decade has passed and there must have been some increase. I think we may say confidently that it will stand at 18 to 25 per cent as compared with 50 to 60 per cent among Brahmans, 8 to 10 per cent among other Hindus and 5 per cent among Mussalmans and 3 per cent among Harijans. Therefore, as a matter of justice, under the communal Government Order we are considered as entitled to one-sixth of the appointments in the public service. It is only that proportion that will give us the same proportion as the Brahmans and the Mussalmans. The Harijans have to get 1/12 of the appointments and the non-Brahman Hindus have to get 5/12 of the appointments. The Government have been publishing communal returns of officers serving under them on 1st April each year from 1924 onwards. The last returns were for the years 1924 to 1937. Now, Sir, those returns show that there has been a gradual increase in the number of appointments from amongst Indian Christians, but the rise has been rather slow in the case of gazetted appointments; the increase has been from 1/16 to 1/12. In the case of non-gazetted appointments above Rs. 100 the increase has been from 1/18 to 1/10. In the case of appointments above Rs. 35 and below Rs. 100 the increase has been from 1/20 to 1/14. In the case of appointments below Rs. 35 the increase is from 1/28 to 1/25. These are very small increases for a period of fourteen years from 1924 to 1938 while the position of the one community well advanced is as strong as ever in the services."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"May I know what these fractions 1/28, 1/14, etc., are?"

* MR. J. A. SALDANHA:—"I have taken the total number of appointments sanctioned and the number of appointments made from among Indian Christians. For instance, 1/28 means 1/28 of the total number of appointments sanctioned. I am not a good arithmetician, Sir, but on the whole the figures show that the increase from 1924 to 1938 has been exceedingly small. Now I will come to the last two years. I have been trying to get the returns for the last year but in vain. The Government have not published any return for the last year. In the old times, they used to publish the returns every year. They were called annual returns. I have had some correspondence with the Government on this matter and I have been told that the returns will be published in October this year. I made enquiries about the appointments in the Revenue and Judicial departments in South Kanara. I find that in our district our position has considerably deteriorated. I have taken the figures relating to appointments of clerks in civil courts. The figures show that in the civil courts in South Kanara, there were 23 appointments in April 1937 on Rs. 35 to 100. Now, they are only 9. In the Revenue department, for the last two years the position of the community has become worse.

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"On behalf therefore of my community, I feel that this hon. House should consider my resolution sympathetically. I only ask for justice and equity to our community and you know, Sir, how much our community—our people, our nuns, priests, etc.—are working for the uplift of all classes of the community. I have got many relations, who are nuns and sisters, who are sacrificing their lives for educating all classes of people in the schools. We are also producing graduates and our literacy stands very high, 18 to 25 per cent in the Presidency. It is the highest in the Presidency. But we are far below the Brahmans who are about 50 per cent literate. They deserve the weightage given to them. Two appointments, out of twelve, are given to them. Even now, Brahmans hold a high position against other communities and their position is growing stronger and stronger. They are getting more appointments, because they have got more graduates. Even for petty appointments, Brahman graduates go in. Our community and other communities do not care to take up such appointments; they consider it *infra dig* to accept such appointments. Our position is deteriorating. The question is how to mend the present state of things. This is a matter which requires careful consideration. I appeal to the Hon. Prime Minister and other Ministers and also to the House to pass this resolution which is necessary for the aspirations of our community. I do not want to take up the time of the House further. I hope the Government as well as the House will give sympathetic consideration to our aspirations."

* SRI RAO BAHADUR M. RAMAN:—"Sir, I have great pleasure in seconding the resolution of my hon. Friend, Mr. Saldanha. I have got to say only one word. Mr. Saldanha said that the communal Government Order was moving slowly. I do not agree with him. It is moving rapidly in some respects but in the backward direction."

* SRI T. A. RAMALINGAM CHETTIYAR:—"Sir, I am only rising to point out the difficulties of accepting a motion like this. We have been saying that certain communities have had certain advantages in the beginning and that they have gone in advance and are holding positions of responsibility much more than other communities. We claim that other communities also should be given their chances; they should be allowed to advance and take their proper place in the country. For this purpose, certain adjustments have been made. Whether those adjustments can satisfy the conditions now existing or whether they are sufficient is a matter which may be viewed from different standpoints. There is the policy that those communities which are lagging behind should be supported and that they should have an increased share in the administration of the country. Of course I should say that the administration of the country does

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not merely mean jobs and getting employment. It means so many other things. The services influence the administration of the departments and if the administration is to go on properly, there ought to be proper representation of the interests concerned, in laying down the principles of administration and in carrying them out. No doubt it is also an advantage to the community getting the jobs. Therefore the claims of various communities should not be forgotten. It is also an economic question. People therefore want that the largest employer, the Government, should distribute the jobs among the various communities. Every community and every interest should have its due share and its legitimate share in deciding policies and carrying them out. For the purpose of giving chances to those who are lagging behind, certain rules of a temporary character have to be made and there should be an equitable arrangement. What is proposed now is to go back upon the whole policy which has been followed for some years now. Mr. Saldanha does not want to stop with that. He would have suggested that the communal Government Order should go and that everybody should be allowed his chance. In more than one portion of his speech, he said that his community was not the leading community. If the arguments advanced by him are correct, there is a community which would be entitled to very much better treatment. He said that his community was getting two places out of twelve according to the list. The Brahman community was certainly more leading. There are more educated people in that community. On the ground he has mentioned and on the ground of their education and culture, they would be entitled to very much better treatment than getting only two appointments out of 12. He has asked not for taking away the restriction which exists now. He wants the restriction should be so adapted as to give his community a better treatment than it gets at present.

"We have to see what exactly his proposal is. He does not want that the communal representation should be taken away altogether and that each person should be allowed to take his chance. That is not the proposal that is before the House. He does not want that the jobs should be redistributed on the basis of education and culture alone. That is not his ground at all. If that was his ground, one can understand its logic. That is not the ground for his present move. He wants, Sir, that on account of education and culture, his community should be given greater predominance. What will be the result? The result will be the biggest community in the Province will suffer. The non-Brahman Hindus are 35 to 37 millions strong out of 42 millions in the population. If offices were to be distributed on the basis of population alone, the community should be entitled to something like 8 or 9 appointments out of 12. But as a matter of fact, under the arrangement that is made under the communal Government

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Order, the community is entitled to get only 5 out of 12 appointments. Now, if my hon. Friend, Mr. Saldanha is going to get more, from where is it to be taken?"

MR. J. A. SALDANHA:—"On a matter of personal explanation, Sir. I want the Government to stick to the communal Government Order. I do not want the proportion to be increased. What I want is that the proportion fixed should be reached. The proportion of 2 out of 12 appointments has not been reached. Two out of 12 appointments are very low. Out of 12, we have got not even two appointments at present. That is my contention."

* SRI T. A. RAMALINGAM CHETTIYAR:—"Mr. Saldanha says he does not want to take away the proportion which the majority community has got. If the Brahman gentlemen want to make out a case on account of their education and culture, they will have a very good case for better treatment. My hon. Friend, Mr. Saldanha, wants better treatment. Scheduled classes are not well represented and they would ask for more jobs. Then I do not know where the majority community will be. It will be in the same position as the Hindu community in Bengal, where the Muhammadan gentlemen are assured of their percentage. Their claims have been made and settled. The result is that the Hindus suffer. That will be the position of the non-Brahman Hindus who have come in under so many strictures from various quarters for the last so many years for asking for equal communal representation. It does not seem to have helped them very much. It seems to me that this sort of claim by the Indian Christian community does not make the position of the non-Brahman community safe. I do not think it can really be argued that the Indian Christian community should receive better treatment than what they get, i.e., two out of twelve."

"I will mention only one more matter with reference to my hon. Friend, Mr. Saldanha's speech. He said that his community had about 23 or 25 appointments in the past in one office and that now it has only 7 or 9. According to population, his community should be entitled to only 9 or 10 appointments at the present moment. It so happens that that community has got only that number. It is a regrettable circumstance that the number has come down to 10. If the same sort of claim is made by everybody, I do not know where we will be."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Mr. President, the resolution is that the Council should recommend to the Government that necessary steps should be taken to increase the representation of Indian Christians in the services in proportion to their advance in education and culture."

"In moving the resolution, I take it that he has not altered or amended the proposition as it stood on the agenda paper. He

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recommends to the Council to accept the principle that representation in the services, as it is called, of various communities should be in accordance with their education and culture—a very dangerous proposition which would completely overturn the entire communal Government Order from a different angle. It would mean an advance made by Mr. Saldanha to the Brahman community to join hands and to press, not for representation on the ground of population but representation on the ground of education and culture in the public service according to the results, we may take it, of university examinations and school final examinations and so on. I should submit, Sir, that this principle underlying Mr. Saldanha's proposition is so wholly and totally opposed to the communal principle and the communal proportion—the communal ratio—that it is difficult to mix up the two together. Mr. Saldanha argues, 'Stick to the communal Government Order but give me my proportion in accordance with the standards of education and culture reached by my young men.' It is a difficult thing to perform, at least without shutting one's eyes to one side of the picture and keeping one's eyes wide open, but only to another side of the picture. It is not possible to do so, unless we look only at the Indian Christian community and not at the other communities in the population which have advanced similarly in education and culture; it is a wrong and impossible thing for public men to do any such thing. We cannot really give effect to this proposition keeping the communal rule or the communal proportion intact. I do not suppose that Mr. Saldanha wants that this Government should initiate the abolition of the communal rule, whether it be proportion or rotation or ratio; if he does not want to abolish it, I must at once say that there is no use shilly-shallying with the proposal. I must say it is an impossible thing that he is proposing if he wants to keep up the communal rotation or the communal proportion intact. It is impossible to give representation, as it is called, to all the various communities in the public service in proportion to their advance in education and culture."

"Now, Sir, as for the grievance, let me explain to the hon. Member that he is suffering under a complex of inaccurate facts. There is no deterioration; he has advanced, his community is progressing further and further; but he has somehow convinced himself that it is in a very bad way and therefore he is moving in this Council a resolution for this purpose. Let me give him the facts; but before I do so, let me draw his attention to this. He says, 'Here in a certain place or in a certain department, there were eight clerks last year; I find they have now become six—that is deterioration. Again, here in my own district, I knew that nine people were in a particular department, but to-day they are only seven—that, again, is deterioration. Yes. It is possible, because we cannot fix the proportion for every unit, every year,

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every department, and in that way fill the country with units in every inch consisting of all the communities; you would not be able practically to give effect to such a scheme. I read the other day, and much to my amusement I read it, though the author was most serious in that communication, that if he took the Prime Minister's place, it was 100 per cent Brahman in the services. I read it actually; it was actually in print. It is quite possible to make out an absurd case like that; but that is not the point now. We cannot take or begin things in pieces like that, and put in a rule of convenience or expediency which has been accepted by previous Governments with reference to communal rotation or communal proportion and try to reduce it to an absurdity by trying to introduce it in each department, in each area and each unit. No doubt, if I were mischievously inclined I could do so with a view to expose the absurdity of the whole thing, but that is not the way honestly to work out even a principle of expediency, though it may not be the correct thing. Let us be practical men and let us see whether there is any real injustice. Let me give the figures now.

"Mr. Saldanha was saying that these things have not been published. Here is a list that we are publishing every year; a whole book of something like 72 pages of tables giving with meticulous accuracy the number in each community, the year, the proportion and everything. This is in fact a book to keep up the psychology of communal separation and division for ever. This is a book which has that effect; but it is being published. And if Mr. Saldanha or any other member wants to read it, they may pore over these pages of small type, with all kinds of figures. In fact this is the Bible in this respect, and it is supplied to every one. Let me give the latest figures and let me ask the patience of the House to see where the Indian Christian community, and in passing, where certain other communities also, stand in regard to this matter. Is there any real grievance or reason in this continual cry of something wrong done by this Government and by this Premier?"

MR. J. A. SALDANHA:—"In what year was it published; up to what year does it contain information?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"He will presently hear. I am now reading from the tables only the grand totals:

'Non-gazetted officers on less than Rs. 35—

In 1924, Indian Christians, 1,988.

In 1938, Indian Christians, 2,724.

We ought to know something about others; let us begin at the bottom; let us have their figures also in passing:

In 1924, scheduled classes, 1,073.

In 1938, scheduled classes, 1,905.

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It may not be much of an advance, but there is an advance—no deterioration anyway—and if I round off the figures, the increase is from 1,000 to 2,000.

"Again, non-gazetted officers on Rs. 35 and upwards, but below Rs. 100. First of all, let us take the classes to which the proposition refers:

In 1924, Indian Christians, 1,003.

In 1938, Indian Christians, 1,534.

No deterioration anyway. Mark you, Sir, I do not take any credit for this phenomenon; this cannot be done by any one man; it goes throughout the whole Province, all the offices and all the departments; they all accumulate and these results are now available at the end. It is no credit to anybody; it is just the existing state of facts that I am giving. Let it not be thought that I am claiming any credit for it; even if I had done it, I do not want to claim any credit for this.

"Then, the actual figures for the scheduled classes are 56 in 1924 and 137 in 1938, in respect of non-gazetted officers on Rs. 35 and above, but below Rs. 100. Again, in respect of non-gazetted officers on Rs. 100 and over;

'In 1924, Indian Christians, 425.

In 1938, Indian Christians, 797.'

Is that deterioration? Then, Muhammadans:

'In 1924, Muhammadans, 317.

In 1938, Muhammadans, 454.'

I need not bother hon. Members with these figures. I will now go on to the scheduled classes:

'In 1924, scheduled classes, 2.

In 1938, scheduled classes, 27.'

Coming now to gazetted officers,

'In 1924, Indian Christians, 105.

In 1938, Indian Christians, 142.'

As we go higher and higher up, the number rises up. No doubt it is all mere accident; they have all got up by their labour, by their fitness for promotion—105 to 142 is no deterioration. That is all I claim, Sir. Similarly, Muhammadans, from 57 to 104 and scheduled classes, from 1 to 7."

* MR. J. A. SALDANHA:—"I pointed out that there was an increase from 1924 to April 1937. But I have not got the returns after that, although I asked for them. From 1937, there has been a deterioration."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"From 1924 to 1937 it is admitted that there has been an upward march; and the hon. Member says there has been deterioration after 1937. Is that the complaint? Then he should not call it deterioration if it is only for one year. He cannot fancy; the word that he actually used was 'deterioration'."

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MR. J. A. SALDANHA :—“ I referred only to my own district of South Kanara.”

* THE HON. SRI C. RAJAGOPALACHARIAR :—“ Then I say it is an extraordinarily unfair thing to the Government. As I suggested, we cannot take up district by district; I do not vouch for the accuracy of these figures if they are to be taken by the districts. It is really wrong to apply these figures to one office, one department or one district, with reference to the communal rule and make a statement on the floor of the House that such and such community has not got the proportion”

MR. J. A. SALDANHA :—“ But the Government have not supplied us with these lists.”

* THE HON. SRI C. RAJAGOPALACHARIAR :—“ Let me again read the figures for 1937. Indian Christians on less than Rs. 35 in 1937: 90. In 1938, the figure was 118.”

MR. J. A. SALDANHA :—“ What about gazetted officers?”

* THE HON. SRI C. RAJAGOPALACHARIAR :—“ If the hon. Member will give me more time, I will make a complete list with their names and fathers' names too. It is not possible, in giving statistical figures for four crores of people in Madras in a Second Chamber, to give particular appointments, particular districts, particular places and all that; it is impossible; but let me say that the principle which the hon. Member stands for is not a principle to be applied to particular appointments. Particular men are fit for particular appointments, particular men come up near particular appointments, and they have to be chosen willy-nilly; but I think we may get a statistical forecast if we take a large number of people, a large area, a large department and a large number of departments. We cannot possibly satisfy the communal appetite by taking particular places, particular men, or particular offices. Let me continue to verify the statement made by the hon. Member as to deterioration from 1937 to 1938 and find out whether there is any truth in it, and if there is, how far it is true. I have not read the list before; I take it that the whole thing is working properly; I assume it—honestly, I say I have not read it—because I am certain that there is nobody working with any motive to bring about such a result; and because there is no motive or cause, there is no effect also. It is on that assumption that I am proceeding to read this list for the first time. Then, non-gazetted officers on less than Rs. 35 in 1937 were 90 and in 1938 the figure was 118. As regards Indian Christians, non-gazetted officers drawing Rs. 35 and up to Rs. 100, the figure was 1,511 in 1937, while it was 1,534 in 1938. We cannot raise a crop at all times and so, from 1,511 to 1,534 it is not deterioration. Then in the next stage, i.e., non-gazetted officers getting Rs. 100 and over, Indian Christians 758 in 1937 and 797 in 1938; again, Sir, I underline the words ‘no deterioration.’

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“ In regard to gazetted officers, Indian Christians, it was 142 in 1937 and 142 in 1938—no increase, but still no deterioration.”

* “ Sir, I do not propose to read the figures for 1937 and 1938 with reference to the scheduled classes because that will be interpreted to mean that I attempt to deflect the issue before the House, but if Mr. Saldanha won't grudge I shall read it.”

MR. J. A. SALDANHA :—“ I do not grudge, Sir.”

* THE HON. SRI C. RAJAGOPALACHARIAR :—“ Then I shall read it.

Scheduled classes—

Gazetted officers—

1937	..	..	..	..	..	..	..	..	4
1938	..	..	..	..	..	..	..	..	7
Non-gazetted officers on Rs. 100 and over—									
1937	..	..	..	..	..	..	..	..	16
1938	..	..	..	..	..	..	..	..	27
Non-gazetted officers between Rs. 35 and Rs. 100—									
1937	..	..	..	..	..	..	..	..	117
1938	..	..	..	..	..	..	..	..	137

No deterioration again, Sir.

“ Then in regard to those non-gazetted officers on less than Rs. 35—Scheduled classes—the number was 28 in 1937 and 36 in 1938. These do not include constables and the like.”

MR. J. A. SALDANHA :—“ What about Brahmans?”

* THE HON. SRI C. RAJAGOPALACHARIAR :—“ What about Brahmans? What about Ayyangars? What about Vadalgalai Ayyangars? All such things will come in. But, the issue here is about Indian Christians. As Mr. Ramalingam Chettiyar has stated—a knowledge of the elements of algebra would show that—when there is a rise in one particular community, there cannot possibly be a rise in the number of the other communities. If it is wanted, I shall of course read the figures about Brahmans and how they go down, because I do not suppose that the Brahman community would have got more of it according to communal proportion than they could have got under the old regime; I mean, they are worse than that; that is their feeling, I know. Does the hon. Member know it? If he wants I can read the figures, but it will be irritating to Brahmans and so I do not want to read it.

“ I said, Sir, it does not include constables. Since 15th July 1937, 907 constables have been appointed and out of them 137 belong to the scheduled classes. However, that is not relevant but since the hon. Member referred to the matter I read it. So that, Sir, judged from any angle, there has been no deterioration with regard to the justice or fairness or whatever else it may be called that ought to be exercised in favour of the Indian Christians in regard to appointments to public services. This cry it is easy to raise, because there are a number of other disabilities in the world and there are a number of disabilities in social life, but if only a

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thing like this is also said, it is easily believed, it is spread easily, and multiplied and printed and read and it creates bad blood on the basis of falsehood; if on the other hand bad blood is created, by all means let it be created by reality, because it does not help a public man to create bad blood under any circumstance. Even wrongs should be tolerated"

* MR. J. A. SALDANHA:—"I regret that the Hon. Prime Minister has used the word 'falsehood.' No doubt figures were published by Government for 1937 and 1938, but I referred to the deterioration in my own district; and why should I attribute any falsehood?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I have not attributed any falsehood to the hon. Member; if it is wrong, then I shall withdraw. But, since the hon. Member was saying that there has been deterioration in figures under this or that head, I had to read all possible figures and from them I have shown that there has been no deterioration of any kind. Then the last ditch at which Mr. Saldanha defends himself is that in some particular district or office he has noticed this deterioration and therefore he said it. I acquit him of bad intentions, but I cannot acquit him of carelessness in making statements with regard to deterioration on the floor of this House, when as a matter of fact, figures are all here. If his complaint is that 1938 figures were not supplied to him at the time he made that estimate with regard to deterioration"

MR. J. A. SALDANHA:—"I could not get it."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Up to 1937, Mr. Saldanha admits there has been no deterioration; he also says he did not get figures for 1938; therefore can he say, there has been deterioration, though he can say, 'I am in ignorance, I am kept in the dark?' He cannot say the figures are false and the facts are untrue—the word 'false' is perhaps used with reference to men; perhaps that is the reason why he takes exception to the word by which I did not at all intend anything to hurt Mr. Saldanha's feelings. I am sorry he was hurt. What I said was, bad blood was wrong. When the basis for such impression is altogether absent, then to start a statement which would create bad blood, is very wrong. Therefore, I took so much time and trouble to give figures. I thank Mr. Saldanha for giving me an opportunity to make all figures perfectly clear. I do hope no such mistake will be made by anybody in future."

* MR. J. A. SALDANHA:—"Sir, in view of the statement which was made by the Hon. the Prime Minister with reference to the statement which was not before me, I beg to withdraw the resolution, but I hope that in future after the publication of the tables for 1939, I may bring forward a further resolution."

The resolution was, by leave of the House, withdrawn.

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(2) NECESSITY FOR TRADE AGREEMENT WITH BURMA IN CONSULTATION WITH THE LEGISLATURE OF THIS PROVINCE.

* DR. SIR K. V. REDDI NAYUDU:—"Mr. President, the resolution which I have the honour to move runs as follows:—

'This Council recommends to the Government to urge upon the Government of India the importance and necessity of their not finally entering into any Trade Agreement with Burma without communicating beforehand the proposed terms to this Government and without obtaining the views of this Government and of the Legislature of this Province on any proposed terms regarding the imports of Burma rice into this Province and further to request the Government of India to reserve to themselves certain amount of control over the imports of Burma rice into India generally and into this Province particularly.'

"Sir, this resolution consists of three parts. The first is, this Council requests our Government to induce the Government of India to let us know the terms, in the first place to the Government of Madras and secondly to the two Houses of Legislature in this Province, so that we may have an opportunity of giving expression to our views which may be of use to them in their negotiations with the Burma Government. Mr. President, I need not emphasize the importance of improving the economic condition of this Province. We are all agreed that about 80 per cent of the population of this Province is rural and that 70 per cent of the entire population live on land, that their condition is miserable, that the ryots are chronically indebted and that some attempt should be made to improve their condition. Of course attempts have been made and are being made by our Government, but this is another step in the same direction. Speaking on the occasion of the opening of the Industrial Museum at Madras, the Hon. the Revenue Minister, Mr. T. Prakasam, is reported to have said: 'The Government intend to bring to bear all the resources at their command to enable the agriculturist to receive a fair return for his labour.' He also added: 'It is necessary to secure him a fair economic price for paddy and other cereals.' That, Sir, is the right policy, if I may say so with respect. The nation will be indebted to him and to the Government if this policy is implemented by effective practical measures. I respectfully submit that a restriction on the importation of Burma rice is the first step in that direction.

"Now, Sir, let me say a word about the importance of rice in the economic life of this Province. Experience has shown that the price level of rice governs the price level of cereals and even of other products. It also governs the price level of practically every product which does not enter into the international trade—by trade, I mean exports and imports. If the price of rice falls,

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the price of the other products will also fall. If it rises, their prices too will rise. The place which the production of rice occupies in this country as compared with the place occupied by other products can be gleaned from the Review of Trade of India for 1932-33. That was the only copy that I was able to get, but I am sure the Government will have more recent figures.

"Taking rice, wheat, oil-seeds, sugarcane and cotton, the five principal products of our country, we find that rice accounts for 277.66 crores or 51.72 per cent of the total value of the agricultural products of India, while wheat accounts for only 47.47 crores or 9 per cent, oil-seeds for 40.94 crores or 8 per cent, sugarcane for 37.33 crores or 7 per cent and cotton for 22.23 crores or 4 per cent of the total value. Thus rice is the most important and economically of the highest value. Yet, it has not received any protection from the Government of India. On the other hand, wheat and sugarcane received protection at their hands. Wheat, of course, is produced largely in the Punjab, sugarcane is produced mostly in the United Provinces and Bihar; so far as paddy is concerned, Bengal and Madras are the only provinces which grow it. A few figures will have to be remembered in considering this question. The area under paddy cultivation in 1937-38 in India is 72,277,000 acres, in Madras 9,943,000 acres and in Burma 1,270,000 acres. The output of rice is 26,737,000 tons in India, 4,057,250 tons in Madras, and 1,470,000 in Burma; while the population is 365 millions, 48 millions and 16 millions respectively. I give these figures calculated at the rate of increase which took place in the previous decade; so the figures seem to be a little higher than what was contained in the reports. In the year 1938-39 India imported 1,281,697 tons of rice from outside, of which Madras took 468,743 tons. The rice food requirement for Madras may be taken as 5,000,000 tons. Last year was an abnormal year on account of adverse seasonal conditions, cyclone in the Northern Circars and famine elsewhere, except in the Cauveri Delta and in the West Coast. Our normal acreage under paddy cultivation is about ten million acres with an output of five millions tons of rice. This is barely sufficient to meet our needs. But generally our output will be less than that and we may have to import about half a million tons of rice, according to circumstances. Unfortunately there has been a serious fall in the extent of land under paddy cultivation. In 1933-34, we cultivated 11,700,000 acres, while in 1938-39, we cultivated 9,943,000 acres only. That is a fall of nearly a million acres during the last five years. This fall is mainly due to the low price fetched by rice, though adverse seasonal conditions also played their part.

"We are at a disadvantage when compared with Burma in the production of paddy. Rice cultivation in Burma started later than in Madras. On account of cultivation for a longer

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period, the natural fertility of the soil is reduced in our Province. Further Burma rivers bring down larger quantities of silt than our rivers. We are accordingly obliged to put in more manure in our lands. The cost of production is thus enhanced.

"Secondly, cultivation in Burma is from natural irrigation sources, just like what used to happen in the Cauvery delta. On the other hand, in the Northern Circars, Godavaris, Kistna and Nellore districts and other places the Government have incurred large amounts of expenditure in the construction of channels, sluices and other irrigation works with the result that they could not reduce the tax below a certain limit. Therefore, the tax that the cultivator pays on his irrigated fields including water-rate is certainly more than what is being paid by the Burmans on their lands.

"Thirdly, the holdings in our Province are rather very small. The extent of cultivation under each individual in Burma is certainly much larger than what it obtains in our Province. Of course, we all know what small holdings mean and how difficult it is to obtain an economic return in spite of all the troubles which the ryot takes. In Burma holdings are large and possibly our joint family system is responsible for the frittering away of holdings. But whatever the reason may be, the fact remains that in our Province, we have more than a million pattadars paying tax of below Rs. 10. On account of all this, the production per acre in Burma is larger than in Madras. Hon. Members must have noticed a little while ago from the figures that I furnished how much the production is in Burma and how much it is in Madras. For the 10 million acres that we are cultivating we produce only 5 million tons which comes to about half-a-ton per acre. On the other hand, production in Burma is more than a ton per acre according to the figures that I have already given to the House. Burma is thus enabled to have an exportable surplus of 30 lakhs of tons of rice and she dumps this surplus on India whenever she is unable to sell it to other countries. This fact has also to be borne in mind, namely, that taking the ratio of population to the area under paddy cultivation as the criterion, the population of Burma is much lower than that of Madras.

"I want to say a word regarding the price of rice of late. In 1913-14, the price was Rs. 4-8-0 to Rs. 5-8-0 per maund. Two maunds of rice are equal to one bag of rice of 165 lb. One bag of rice fetched at that time Rs. 9 to Rs. 11.

"The price in July 1939, that is last month—I rely for it upon newspaper reports—was Rs. 6 to Rs. 8 per bag or a difference of Rs. 3 per bag of rice. I have taken the price for the year 1913-14 because it was the year before the War. The War complicated matters: many fluctuations have taken place during the period of the War as also the period immediately following, that is, the years of peace. But about the year 1925, the prices shot

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up very high. But I do not take that year as a standard. Comparing the prices of the year 1913-14 with those of 1939, we find we are losing Rs. 3 per bag of rice as stated above. We produce on an average 6-2/3 bags of rice per acre. So at the rate of Rs. 3 per bag of rice, the ryot is losing Rs. 20 per acre per year. Taking roughly one crore of acres as our area under paddy cultivation, we are losing about twenty crores of rupees per year. Sir, the loss to the national wealth can be easily understood. That the country should be losing Rs. 20 crores per year is indeed something which is shocking especially to my friends here like Dr. Thomas, who, I hope, will give us the benefit of his knowledge of economic science in this particular matter and any suggestions made by him will be welcome. So much for the loss of national wealth.

"What about the ryot? Taking the case of the ryot himself, suppose a man has four acres of land. He is getting to-day Rs. 160 to Rs. 200 gross income on that holding of his. In 1913-14, he was getting Rs. 240 to Rs. 280. His loss is thus Rs. 80 per year. Now he pays roughly Rs. 25 on these four acres to the Government—I have not taken the rate paid by the ryot in Tanjore and other places where the rate is as high as Rs. 10; I have taken the rate for the whole Province where a good portion of the lands is tank-fed and such lands do not pay as much as those of the deltaic regions. I think the Hon. the Revenue Minister will correct me if I am wrong for throughout and even at this stage I have not claimed complete accuracy for my figures and I have taken them from such books as I could get. As a matter of fact, this was prepared some four years ago and I have tried to bring it up to date but unfortunately I have not been able to get the papers which the Government would be in a better position to refer to. I hope he will correct me wherever I am wrong; but the slight inaccuracies of my figures do not in the least alter the force of my argument, namely, that the ryot is losing a lot, that the country is losing a lot, that the importation of rice from Burma is a great evil. These facts, I hope, have been established by what I have been saying to the House, even in spite of the slight inaccuracies of the figures which I have given. Whereas in 1913-14, he was getting Rs. 240 to Rs. 280 per acre, now he gets Rs. 160 to Rs. 200; and his loss is thus Rs. 80 per acre per year. I said that he is paying Rs. 25 to the Government on these four acres; the same may be paid by the zamin ryots also. I am not in this matter taking the case of the rack-renting zamindars whose rent may perhaps rise up to Rs. 30 and Rs. 40 per acre; I am only referring to the ordinary type of zamindars and in that I might perhaps err to the extent of half a rupee or so but that again does not in the least detract from the force of my argument. Remit the entire tax on land, yet the ryot will still be a loser to the tune of Rs. 50.

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"Let it not be understood that I am against the reduction or wiping off the total land revenue; I want a reduction; but all the same, the position of the ryot will not in any way be better. He will not be the better for it. We have a Telugu proverb "పడిన నీళ్లు పడిన నీళ్లు కలపడము," that is, if you add cold water to the hot water, the quantity will be increased for bathing purposes. Reduction is essential and we shall be thankful to the Hon. the Revenue Minister for his attempts to get it reduced; but what I am telling you at this stage is this, that that alone will not solve the problem; that that alone will not save the ryot. What is after all Rs. 25 against the loss he is having, a loss to the tune of Rs. 50 per acre on the basis of peak prices? What does it come to for an acreage of nearly 10 million acres? But I will not calculate on this basis for the reasons I have already explained to the House. If, on the other hand, you raise the price of his commodity, he would be in a position to pay Rs. 25 more on his holding; he would not mind paying a little more to the Government when an occasion arises. The real solution of the problem lies in discovering something by which you could raise the price level of the various articles which the agriculturists produce. As I have said a little while ago, it is not the price of rice alone that falls; other agricultural products which have no international market fall along with it and there is much reduction in the gross income of the ryot with consequences very serious to him. If by some process, the Government will be able to discover the means of raising the price of rice—and of this the restriction on the import of Burma rice is a part—then I beg to submit the condition of the ryots can be improved.

"Reduction of tax alone is not a solution of the ryot's distress; a rise in the price of agricultural produce may yet save him. Owing to the fact of Burma being a part of India until the Government of India Act came into force, certain provisions had to be made in order to prevent dislocation of trade between India and Burma. Provision is therefore made under section 160 of the Government of India Act empowering His Majesty to give by Order in Council such directions as he thinks fit with respect to the duties which are, while the Order is in force, to be levied on goods imported into or exported from India or Burma and with respect to ancillary and related matters. The Order in Council of His Majesty was passed on the 18th March 1937, and by clause 7 of Part I of that Order it was ordered that the said Order shall remain in force for three years or until twelve months have elapsed after giving notice to terminate the operation thereof, whichever is the longer period. Again, under clause 3 of Part II of the said Order in Council, no prohibitions or restrictions on imports or exports other than such as are specified in the schedule to that Order

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shall have effect in British India with respect to the bringing of goods into British India from Burma or from British India into Burma. That means this: that because India and Burma were one country before the passing of the Government of India Act, before Burma was separated, there can be no question of protecting one province against the other. But now, Burma has been separated and if the Government of India had been empowered to impose import duties on goods coming from Burma, there was every danger of dislocation of trade, and so in order to prevent that dislocation the Parliament of Great Britain in the Government of India Act provided major provisions to the effect that His Majesty may pass an Order to prevent dislocation of trade, and so His Majesty has passed this Order. And so, according to that the Government of India have no power during these three years to impose any restriction on the imports of rice into our country from Burma. But after three years or after one year after giving notice, whichever is later, the Order says, you are at liberty to levy taxes. Now, Sir, the three years have expired, or are nearly expiring. I have stated that on the 18th March 1937 that Order was passed, and so it will expire on the 18th March 1940. I also gathered that notice has been given by the Government of India and so on the 18th March 1940 the Order will expire, so that the Government of India will be at perfect liberty to impose any tax or any restrictions or make any other conditions which they may deem fit for the benefits of the ryot in our Province, or for the matter of that, for the whole of India, including Bengal. And that is why, I take it, negotiations have commenced just now between the Government of India and the Government of Burma. Sir, on customs duties the Provincial Government have no hand. But certainly, I contend, Provinces like Madras and Bengal, in this particular matter, have a duty, a responsibility, nay, a right, to make the necessary representations to the Government of India, and the Government of India should give their best consideration to them. We are now met, since just now negotiations have been commenced in the matter, to request our Government to write to the Government of India—and if the hon. Members who now occupy the Treasury Benches have no objection—even to communicate a copy of the proceedings of this House to the Government of India, pointing out how much we are resenting, how we are suffering, how much difficulty our ryots have been put to and how all this is due to low prices obtaining. Sir, I consider it the duty of the Government to make this representation.

“Now, Mr. President, I have finished my say. I have only to submit one word more to the Government. I have already quoted to the House the splendid statement made by the Hon. Revenue Minister yesterday on the occasion of the opening of the Museum. I only appeal to him to take it to heart and see that he accomplishes what he has said. I have not the slightest

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doubt that he wants to do it. Let me hope his Colleagues will help him; let me hope the Government will use every resource in their power to see that the Government of India do not enter into any trade agreement with Burma without consulting our Government, without consulting this House and the other House. Mr. President, I commend the resolution for the acceptance of the House.”

SRI RAO BAHADUR M. RAMAN:—“I second it.”

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“Sir, may I ask the Members on the Treasury Bench to enlighten the House as to how the matter stands at present, whether there is any correspondence going on between this Government and the Government of India?”

THE HON. SRI V. V. GIRI:—“The Leader of the Opposition would like to know the exact position of affairs to enable members to take part in the debate. I am glad Dr. Sir K. V. Reddi Nayudu has brought this resolution to-day before this House. I wish to make it clear that as soon as this Government came to office they began to tackle this important subject. We have clearly expressed to the Government of India our views on the subject at the earliest possible time. Preliminary negotiations are taking place between the Government of India and the Government of Burma and we have taken time by the forelock. Not only that, from January of this year up till now, if I may say so, we have been almost in monthly touch with the Government of India on this important matter. Therefore I wish to assure this House that the Government are fully alive to their sense of responsibility on a subject of this character. It may also be remembered that there are three parties concerned. One is the Government of India, the other is the Government of Burma and the third is the Government of Madras. Though the Government of Madras have as equal an interest in the matter as the Government of India, negotiations have to take place only between the Government of India and the Government of Burma. But that does not mean that we should keep quiet. Every aspect of the matter will be put forward which will be beneficial to the ryot population of this Province. I will therefore make this statement on this important subject:—

“The subject of imports of Burma rice has been under correspondence with the Government of India since December 1937. The Government are in full sympathy with the object underlying the resolution. It is the desire of this Government to restrict the imports of rice from Burma with a view to raise the price level of local rice, consistent with the interests of the consumer.

“Since, however, these restrictions cannot be imposed so long as the India and Burma (Trade Regulation) Order, 1937, is in force, the Government of India were requested to terminate

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the operation of the Order at the earliest opportunity, i.e., 1st April 1940, by giving notice of termination to the Governor of Burma not later than 31st March 1939.

'In response to our representations, the Government of India have replied recently stating that when the actual trade negotiations with Burma are opened, it is the intention of the Government of India to consult all the interests concerned before any decisive step was taken. They have further assured the Government of Madras that not only will the representations this Government have already made be taken into account, but also that this Government will be given an opportunity to make further representations before any conclusive action is taken.'

'Therefore, I submit the Government of Madras are in constant touch with the Government of India and when further negotiations take place, I assure the House, every effort will be made to submit our views on the matter. The Government have no objection to communicate the proceedings of this House to the Government of India as it will facilitate further discussion on the subject.'

DR. SIR K. V. REDDI NAYUDU:—"I am very thankful, Sir, for the statement."

* THE HON. SRI S. RAMANATHAN:—"Mr. President, I want to say one or two words on the merits of this question, apart from the action that the Government of Madras have taken in regard to this matter. On the merits of this question there is no doubt whatever. Public opinion is unanimous that the quantity of rice that is being imported into this Province affects adversely the prosperity of the people as a whole. The quantity may not be large; it may not be necessary even, but I shall deal with that point later. Though the quantity of imported rice is small, it depresses inordinately the price level of this commodity, which is the principal produce of this Province. The fall in the price level affects the economic prosperity of the people as a whole.

"Then the question arises whether the importation of this small quantity is at all necessary. Dr. Sir K. V. Reddi said that probably we may have to import one or two millions of tons every year. I dispute that proposition. Now, it is well known that enough rice is not grown in this Province, because production of rice itself is uneconomic. Agriculture, like any other industry, opens out a profession; and a man will take up that profession only if he is able to make a living out of it. If he cannot get that, he will never take it up. So the phenomenon that Dr. Sir K. V. Reddi observed, of our not being able to produce enough rice from the arable land at our disposal actually shows that our people are not desirous of taking to agriculture . . ."

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DR. SIR K. V. REDDI NAYUDU:—"I do not think there is any difference between myself and the Hon. Minister. I said that as things stand at present we are obliged to get less produce. In fact lands are available, but facilities are not available. Both in the Mettur Project area and in East and West Godavari districts thousands of acres of land are available but are not cultivated because of the lowness of the price."

* THE HON. SRI S. RAMANATHAN:—"I am very glad Dr. Sir K. V. Reddi agrees with me."

THE HON. SRI C. RAJAGOPALACHARIAR:—"We have now come to the habit of agreeing." (Laughter)

* THE HON. SRI S. RAMANATHAN:—"It is common ground, therefore, that there is no need for this present import of rice into the Province from outside, much less from Burma. How is it that Burma is able to sell us rice so cheap? In Burma there are the natural conditions which facilitate the growth of rice. We in India and in Madras have got to construct costly dams, anicuts and irrigation systems and necessarily, therefore have to impose irrigation cesses and taxation. But in Burma rice is a kind of natural product; there is rain, there is no necessity for these costly constructions and, therefore, rice in Burma is, so to say, a mineral and a natural product, whereas here we have to cultivate it at great cost and have to run great risks. But who does the work of gathering this mineral product in Burma, who does the sowing and the harvesting? It is our own people. It is our own labourers whom we send out of our country owing to our short-sighted policy; our people go to Burma; they gather the produce of rice and export it to our country and create more unemployment at home. If we had regulated the emigration policy already on an all-India basis and in pursuance of a far-sighted policy, this problem could not have arisen.

"Finally I should draw attention to what Sir K. V. Reddi pointed out that any amount of reduction in land revenue will not give relief to the agriculturists to the extent to which a rise in the price level will give."

THE HON. SRI C. RAJAGOPALACHARIAR:—"He wants cold water to be added."

SRI T. C. SRINIVASA AYYANGAR:—"He says it will not by itself be sufficient."

* THE HON. SRI S. RAMANATHAN:—"He has given figures that 20 crores can be immediately added to the wealth of our people by this means. Land revenue is not more than six crores; even if the whole of the land revenue is given up, we cannot add this enormous revenue to our people. I have great pleasure in supporting this resolution."

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* DR. P. J. THOMAS:—" Mr. President, I am glad that, Sir K. V. Reddi has brought forward this important resolution. Most people will agree with him that on the question of a trade agreement with Burma the Government of India might, with advantage, consult the Government of Madras which has a vital concern in the trade with Burma. On that point there may not be any difference of opinion, because on every ground, whether it be the exportation of labour or the importation of commodities, there is no doubt that the views of this Province deserve to be taken into consideration by the Government of India.

" But when we come to the question of the terms of the agreement, especially the suggestion regarding the restriction of rice imports from Burma, I fear that I may not be able to agree with my friend Sir Kurma, nor with my Friend the Hon. the Minister for Public Information. It is true that Burma has been sending to this country rice cheaper than this country could produce. There is no doubt about that. But these imports serve a useful purpose here. Burma is able to produce rice at a much lower cost than our country, because Burma has got far better facilities than any other country in the world for the production of rice. Thirty years ago the fertile valley of the Irrawady was exploited, with the help of Indian capital, and the unfailing annual supply of silt from that river made the rice fields productive beyond compare. Indeed Indian capital came in handy. I suppose in certain districts of Burma about 30 per cent of the lands have come into the hands of Indian money-lenders. A single Indian capitalist, it would appear, has come to possess nearly 100,000 acres of rice lands in Burma.

" But the potent fact to be taken into account is that Madras Presidency is not able to produce rice sufficient for its own consumption. I find that there is a difference of opinion on this point. The Hon. Sri Ramanathan said"

DR. SIR K. V. REDDI NAYUDU:—" There is no difference of opinion."

DR. P. J. THOMAS:—" In any case, Sir, may I say that so far as I am aware, Madras Presidency has not got a sufficient supply of rice in most years, and certain areas have to be largely supplied from outside? For the last few years we have not been increasing our production of rice. The population has been increasing; the last census has shown that population has increased by about 10 per cent in this Presidency. But the supply of food-stuffs, particularly cereals, has not increased as fast, and therefore food has to be imported. The imports are really needed for feeding the country. There are indeed several districts like Tanjore, East Godavari and Kistna, which are able to produce a surplus quantity of rice. Even in those districts, I think that owing to the law of diminishing returns, people are not able to raise as much rice as they formerly were able to.

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" There is another point to be taken into consideration. I suggest that in this matter it is not merely the interests of the few landholders who have rice to sell, but the interests of the millions of consumers, that should be taken into account. I submit, Mr. President, that consumers not only in the towns but in the villages also are largely dependent on foreign rice. Let us also remember that not less than a third of the agricultural population depends on daily wages for livelihood, and a rise in the price of rice will hit them, especially those who are paid in money. Even the smaller producers are on balance buyers of rice rather than sellers. Another point we have to take into account is that rice stands on a different footing from articles like cotton or rubber. Here is an article which is a staple food. It forms the bulk of the daily purchase of a labourer. This aspect of the question should be taken into consideration before everything else.

" There is a lot of loose talk about raising prices. Although the price of rice began to fall soon after the War from the high levels maintained during the War, the chief slump coincided with the trade depression of 1929-31. Low prices have continued for many years. Therefore, there is no point in urging that the price of rice alone should be raised. No doubt, the rice-growers would benefit from such a rise of prices, but we must take into consideration the position of the consumers also. A general rise of prices may be justifiable, although it is now rather late to think of it. Prices have remained low for nearly a decade and a new equilibrium has been established. To disturb it may not be wise.

" Although I am opposed to the complete exclusion of rice by means of very high import duties, I am not against regulation. My submission is that we must regulate the importation of rice by carefully watching the production in India, year after year. Having estimated the possible rice shortage in any year, we must let in sufficient rice to meet our needs by giving licences to importers. Therefore it will be wise to enter into an agreement with the Burma Government on a quota basis. That is to say, we must have the freedom of importing rice according to our actual requirements, and this must be linked in some way to our export trade with Burma. Imports must be regulated chiefly in the interests of the consumer, and the producers' interest must come in only when anything like dumping takes place. If the wages will rise with the rise in the price of rice, there will not be much hardship to producers, but wages will generally lag behind prices. This is the experience of the past. There is also a large element of custom in wages.

" On these grounds, I have to disagree with some of the points raised by Sir K. V. Reddi. I agree with him that there must be some sort of control of Burmese imports, but I disagree with him on the objects of the control. Protective duties may be justified

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in regard to various industrial products, and there is a strong case for excluding Burmese imports of rubber from India. But rice is our staple food and stands on a different footing, as I have already said.

"I am glad to find that I am in agreement with the Government's enunciation of the principle, as explained by the Hon. Sri V. V. Giri. He said that any restriction of Burmese imports would be carried out, consistent with the interests of the consumers. I hope that the agreement will be framed in the interests of the community as a whole and not in the interests merely of the landholding classes of the country. I do not think that this is unfair. I am one of those who have supported a reduction in the heavy tax-burdens of the deltaic areas. That is a reasonable relief; to benefit them at the cost of the weaker sections in the community is not reasonable. The very idea is anti-social.

"Sir Kurma has quoted many figures to show that year after year Madras is losing large sums owing to the fall in price. This is a curious way of estimating losses. If we lose as sellers of rice, we gain as buyers of everything else, because the general price-level has gone down. Of course there was an inconvenience at the beginning when the prices suddenly fell heavily, but that phase has passed away. Many of the losses mentioned by Sir K. V. Reddi are imaginary.

"The duty of the Government is clear. Firstly, we must find out what shortage of rice there is from year to year. Next, we have to see whether this shortage can be made up by expanding cultivation or increasing the yield from the existing rice lands. The Government have therefore to take urgent steps in this direction. It is believed that we have fresh areas to be exploited. Some time ago, a committee of the Provincial Economic Council, now defunct, went into the question and found that there are several thousands of acres of land which can be exploited. But I fear that the development of such resources has been neglected. We must push on much more vigorously with our efforts at increasing production. The interest of the rural population consists in expanding output and cheapening the costs of production. By increasing the yield per acre we can make up for the low prices. The idea of manipulating prices is illusory, whether it be by means of currency devaluation or by any other means. Low prices are only comparative. If the price of every commodity is low nobody loses anything thereby. It is only when one commodity alone goes up in price that difficulty arises. Rather than worry about prices, let us think seriously about increasing production, so that we may have sufficient rice for our home consumption. Then we may proceed to exclude Burma rice altogether.

"Finally, let me say that the best interests of the country will not be served by altogether excluding foreign rice at this stage. There is a view that when the sellers of rice get higher

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prices the whole rural community will benefit. This is rather illusory, as experience has shown. I can give facts and figures to show that only a small minority of people are interested as sellers of rice; the bulk of people are interested as consumers. I hope that whilst the Government will definitely claim a voice in the making of the agreement with Burma, the Government will also see that the conditions of our large labouring population are not made worse by making foodstuffs dear. Steps should be taken to increase rice production in the interests both of the producers and the consumers and other steps must also be taken in the interests of consumers rather than of producers."

* **SRI K. P. MALLIKARJUNUDU**:—"Mr. President, I have great pleasure in giving my whole-hearted support to the resolution so ably moved by Sir K. V. Reddi. It is a matter of common knowledge that ever since there occurred in 1929 a great event known as the collapse of the Wall Street in the United States of America, the whole world is in the grip of a great depression. It has been observed that one of the ugliest features of this depression is the phenomenal fall in prices. It has also been noticed that this fall in prices is by far greater in respect of agricultural commodities than in respect of industrial products. We are all aware, Sir, that agriculture is the mainstay of our land. Taking into consideration our Province of Madras, you see that our Province is mainly based on the economy of agriculture. Paddy, particularly, is the predominant agricultural product. If we take the figures into consideration so far as our Province is concerned, you find that 30 per cent of the total cultivable area in this Presidency is under paddy cultivation and 45 per cent of the total food-stuffs is got out of it. It is the bounden duty of the Government as well as the legislators to do what lies in their power to improve the status of the ryot and his economic condition. We all agree that paddy cultivation is not a paying proposition and that the ryots are not able to make both ends meet.

"The question then arises as to how to remedy that defect. There are only two ways of increasing the prosperity of the ryot; one is as suggested by Dr. Thomas, to increase the productivity of land. How can it be done? It cannot be done by the poor ryot as he is situated, because he has no means. We are practically moving in a vicious circle. Unless there is some margin of profit the ryot cannot improve and unless he adopts improved methods of cultivation he cannot get any profits. The vicious circle has to be broken somewhere; otherwise there is no chance for the ryot. If under the existing circumstances it is not possible to increase the production of paddy and improve the condition of the ryot, there is another method by which we can do so. It is by increasing the price levels. Of course I agree that the former method is better. But if it is not possible there is this other method then. It can be done in two ways: one is by the manipulation of

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currency by a well regulated process of inflation which our modern economists call 'reflation.' Unfortunately that is beyond the pale of provincial administration, for our Provincial Government or our Provincial Legislature is not entrusted with the powers of management of the currency. But I would like to suggest some other methods which have the same effect. Ever since I entered the Legislature my mind has been agitated about this problem, and, if I remember aright, I have represented a number of times to the Premier regarding this question. I first thought about the imposition of a heavy sales tax on the imported foreign rice. But I later on found out that there is a constitutional difficulty in respect of that. There is that pernicious section 297 of the Government of India Act which precludes the possibility of adopting this method. We have therefore to go to the Government of India and beg them to take the necessary action. But there again there is the Indo-Burma Trade Regulation Order-in-Council. Our thanks are of course due to the Government of India for their imposing a small duty on the imports of broken rice from Indo-China and Siam. As a result of that we have felt that there is a tangible increase in the price levels of Indian rice. But that is not sufficient. The imports of rice from Indo-China and Siam are very small and they bear a very small proportion to the imports from Burma. You will find from the statistics given by Sir K. V. Reddi that out of the eleven crores worth of rice imported into India from Burma, the share of the Madras Province is something like six crores! Unless we are able to stop or control the imports of rice from Burma there is no chance for our improvement.

"The first duty of the Government of India and the Government of Madras is to see that this Trade Regulation Agreement is put an end to. Of course, as pointed out by the Hon. Minister for Industries, the Government of India are already taking steps in this direction. I do not mind even if the Trade Agreement is scrapped altogether, because on an examination of the balance of trade you find that we import twenty crores worth of goods from Burma, whereas we export only five crores worth of goods. So there is a balance of trade in favour of Burma to the tune of fifteen crores. Taking the whole thing into consideration, I do not think that India will in any way be a loser even if we break off from Burma in this matter of economic trade agreement."

* SRI T. A. RAMALINGAM CHETTIYAR:—"Mr. President, I do not know whether you want to close the discussion to-day."

MR. PRESIDENT:—"We can sit longer than usual, say, till 2-15 or 2-30 p.m. and finish the business."

* SRI T. A. RAMALINGAM CHETTIYAR:—"Sir, I only want to say a few words on account of the arguments that have been advanced by our expert member, Dr. Thomas. Sir, so far as our requirements are concerned, I believe an enquiry was made

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some time back and it was found that we are growing paddy to the extent of about 95 per cent of our requirements. What we wanted was only 5 per cent from outside. Even that it was found that we could raise from the lands brought under cultivation under the Mettur project and the proposed Thungabhadra project, and it was thought that in the course of the next few years Madras would be completely self-supporting. So, this question about the quota will not arise to any practical extent.

"The second point is this: the import of rice is a matter which will have to be taken into consideration not only with reference to the sale of paddy here but also with reference to the effect it will have even on other crops. Sir, the price has got something to do with the sale of different articles. If rice is cheaper, people who go in for cholam or ragi may not care to purchase cholam or ragi and may prefer to buy rice. The position will be made very much worse and not better. It seems to me this argument that the consumers are to be considered really cuts at the root of the whole problem. I think the old-world economist—you will excuse me for using that word—would have advanced those arguments basing them on the old theory of *laissez faire* and international trade and consumers' interest which always go together. Sir, those are the words by which the old economists swore and in our school-days we were very much fond of these things and we always said that India did not deserve to live because she could not come up to the economic standard of free competition. Well, those days are gone now. We are all thinking of living and living is considered as much more important than giving adherence to these theories. Every country in the world has changed its views and its practices. Even the greatest adherent of this theory of free trade, consumers' interest and international trade, like England has changed. She is thinking of imposing quotas and duties, raising prices, giving subsidies and things like that. When that is the case, I am really very much surprised that our friend, Dr. Thomas, should have advised us that we should think of the consumer's interest and should not think of raising prices.

"Sir, after all we should realize that it is the producer who gets something for the produce that people can consume in the economic sense. Everyone wants something to live on. If there is no producer or if the producer does not get anything for the produce, the economic theory cannot work. So it is only as a producer that he can contribute to the consumption of goods and if he wants to contribute as a consumer, he can become a consumer only by getting more for his produce. That is a very important matter which, I fear, in our enthusiasm for consumers is generally forgotten. Well Sir, he also says that many of those purchasers are labourers. He forgets once again that whoever is responsible

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for the sale of paddy, it is the landowner who has to pay for the particular labour. Unless he gets a fair price for his crop, he would not be in a position to employ the labour and pay for it. It is only if a fair price is obtained that the labour can be paid and paid decently. So it is in the interest of the very consumer that the producer's interests have to be looked after. It is only by raising the price and giving a decent price that the labourer's interests could be served. So it seems to me that the argument advanced does not take into consideration the vital basis on which it ought to be based. So it comes to this: We have got several sorts of paddy coming from Siam and Burma which compete with our paddy. Not only that. They have got the tendency to compete with the grains like cholam and ragi. For instance the broken rice from Siam in many markets has completely driven out cholam and ragi, because it is cheap. It is also easier to cook. When the day's labour is over, the labourer goes to the shop and purchases something to cook. If it is Siam rice, it is easier for cooking. If it is cholam and ragi, he has to clean and mill it and do the whole thing. To save that labour when the price is low the man goes to the cheap paddy from Burma. In that way many of our grains suffer. We cannot surely forget the interests of the large volume of paddy producers of our country who really form the backbone of agriculture of our Province. If I remember right 15 per cent of the whole of the cultivated area and 50 per cent of the irrigated area are under paddy. To safeguard the interests of such a vast body of people as that and the large body of people who are maintained by that interest it is absolutely necessary that we ought to take adequate steps to safeguard this important industry and the very large volume of people who are employed in it in this Presidency."

* SRI T. C. SRINIVASA AYYANGAR:—"I crave leave only for a few minutes though I have no qualification as an expert to speak on this question. We are dealing with Burma rice and the necessity of restricting imports. I desire to commend to the House one circumstance for its consideration. I do not desire to dogmatize on the subject especially when my friend, Mr. Ramalingam Chettiyar and others are feeling that Dr. Thomas treated the House to old doctrines. Burma until recently was a province of India. Even now there ought not to be any provincial competition within India itself. The separation of Burma has brought about various changes in the legal relationship and in the administrative functions. Except for administrative purposes, for other purposes of a similar nature have Indians ceased to go to Burma, have Indians ceased to hold property there? There are arable lands owned by Indians. The rice produced there is as much that of Indians as of Burmans. What proportion is that of Indians and of Burmans? I believe the proportion of arable lands held by

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Indians is about one-third. (A voice: Indian capitalist.) I know in this Council to-day the big landholder, the capitalist, the man who employs labour are all outcasts. I concede that it is a feeling that is slowly creeping in and it may look unwise to talk on the subject. In view of the very considerable Indian interest in Burma, in regard to the paddy it produces why should they be considered outcasts? I say the Government are bound to consider the circumstances and shape things with reference to them. A very large labour population annually migrates just before the agricultural season and returns after harvest is over. It is a kind of labour migration and it is divided between the Tamil country and the Andhra districts. There is a large Tamil speaking population in the coastal parts of Burma who are settled there and who own agricultural lands. It is not only the moneyed classes who have lands. Other classes also have lands. How they will affect the consumers' interests and the interests of Indians are considerations to be taken into account. You cannot say: 'Why did you go there?' They say: 'Why did you come here?' Is the Council to disown them? I want that they also should be considered."

* THE HON. SRI T. PRAKASAM:—"Sir, I do not want to make any speech on this subject. But I am drawn into this because what Dr. Thomas said has been doubted and questioned. He said that the first duty is to see that the cultivation is extended and the production is increased. Mere attempts to raise the price level without expanding cultivation would put the consumer in a difficult position. It is a perfectly correct proposition. In every country where falling prices were controlled, it was done only by expanding cultivation primarily. It was done so in Italy, it was done so in every other place. But here we have not been able to do it because we have been in a very difficult position, not being quite free to deal with our affairs in the way in which we could. For instance, in Burma the cost of production is very much lower than here. That is why they are able to dump their goods into the market here. The same is the case with regard to the dumping of Japanese goods to the exclusion of even British goods. So the real question is whether this country is able to reduce the cost of production to the same level to which the other countries which are dumping are able to do. For that purpose the only method is to expand cultivation and increase production and then raise the price levels later."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"Mr. President. I think we have travelled far beyond the scope of this resolution for some time. The resolution is only to request the Government of India to communicate the terms beforehand to this Government and to consult this Legislature and to keep certain reserve powers. I must at the outset state that I am in agreement

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with the resolution before this House. The statement made on behalf of the Government and the speech made by the Hon. the Minister for Public Information show that the Government are in full agreement with this proposition and we can expect a favourable reply from the Government of India with regard to the present resolution and that they will take the Madras Government into their confidence. They won't do anything without consulting the Madras Government and in their turn the Madras Government will consult both the Chambers of the Legislature. Therefore I do not propose to say anything on its merits now. But my only anxiety is that this question should not be allowed to be decided by the Government of India like the question of the appointment of the Indian Agent in Burma. I hope both the Government and the Legislature will co-operate with each other and give to the ryots of this Presidency the much needed relief. I am in agreement with that portion of the statement of the Hon. Minister for Industries, viz., 'whatever we do should be consistent with the interests of the consumers also.' I am also in agreement with the statement of the Minister for Public Information that along with this question the question of labourers also should be tackled. The Hon. Mover, Sir, complained that the Government of India were not helpful and said that they are not taking the Madras Government's view so far in this matter."

DR. SIR K. V. REDDI NAYUDU:—"I never said that, Sir."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"What about the complaint about the Government of India?"

DR. SIR K. V. REDDI NAYUDU:—"No complaint. It is a request."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"If so, I drop it. We are fortunate in having as the present Member in charge of Commerce Department of the Government of India a respected gentleman of this Presidency, one who will be able to correctly appreciate our view point. When I am on the subject, I would like to state that in the past the Members of the Government of India had not been in personal touch with the public opinion of this Presidency by visiting this place as often as possible. I hope that the proceedings of this House will be communicated to the Government of India and that hereafter at least the Members of the Central Government will try to visit our Province and ascertain the real feelings here and not be guided by what they see in the papers. With these few words I support the resolution so ably moved by my hon. Friend, Sir K. V. Reddi Nayudu."

KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR:—"I wholeheartedly support the resolution before the House for two reasons, one economic and the other physical. The economic

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reason is that prices have gone down so low that the position of the agriculturists with all the aid given by the Congress Government, is tottering. The price of paddy has gone down during the last twenty years to such a great extent that all the paddy lands are being converted into pepper or cardamom gardens. In Malabar, within the last twenty years, all except 5 per cent of the lands growing paddy have been put to other uses. Twenty years ago there was twenty times more land under paddy cultivation in Malabar. What is this due to? It is due to the competition of Burma rice which has cut down prices considerably. It is a known fact that Bengal also supplies large quantities of paddy to South India. Now, Sir, we are concerned only with the Madras Presidency. Here, so far as paddy cultivation is concerned, we are in an unsatisfactory condition. Ceylon and Burma are boycotting Indians, Indian trade, Indian labour and everything Indian. We are depending upon Burma rice for our existence. We cannot afford to be without it and Ceylon is dumping coconuts in our Province although the coconut is a very important agricultural produce of Malabar and some other parts. When Manchester and Glasgow were sending here all the cloths necessary for us Indians, the then Congress leaders wanted us to take to khaddar. Why? They wanted to protect the Indians from spending large sums of money on luxuries and costly dresses. They wanted the Indians to lead simple lives and make their purchases from among their own men so that work could be found for their own people. The biggest problem now facing the country is unemployment. We find elderly people simply wasting their time loitering here and there and swelling the crowds that gather at Congress meetings and anti-Congress meetings, demonstrating and crying 'Gandhi-ki-jai' or 'Muslim League-ki-jai.' Why? They have no work. (Laughter) Yes, it is my experience, Sir. In Malabar with all the aid the former Governments were rendering the agriculturists in the shape of tenancy legislation and with all the aid the present Government are rendering in the shape of agriculturists' loans, etc., all the labourers are now taking part in some flag or other demonstrations before meetings or are taking part in hunger-strikes or picketing. They have no work.

"Can they take to agriculture? It does not pay. Why? There is no protection. Instead of giving relief to them in the shape of agriculturists' loans and other things, it would have been a thousand times better, if this Government had taken some protectionist measures against the fall in the price of paddy, etc. What is the plight of Malabar now? Coconut which was selling at Rs. 60 per thousand in the pre-depression days is now sold at Rs. 16 per thousand; pepper which was being sold for Rs. 600 per ton is now available for Rs. 80. In this situation, Sir, it is the

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duty of the Government even to fight for our rights and for independence. (A voice: 'Hear, hear.')

"I find, Sir, that hon. Members referred to the difficult position of the Government of India. It is said that they cannot leave Burma out of account, or India or Japan or even Germany for that matter. If they enter into an agreement with any of these countries, there will be nothing in such agreements giving protection to Indians. Burma is treating Indians with contempt. They want Indians to go away bag and baggage and, curiously enough we have to depend upon Burma rice. And there is the timber trade. Burma is making a good business with India in timber. Why not put an embargo on Burma timber and Burma rice? Not only will it be beneficial to trade . . ."

DR. P. J. THOMAS:—"Will not Malabar starve without Burma rice?"

KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR:—"No. If, as the Hon. the Minister for Revenue said, we begin to have cultivation as the most important occupation of the people of our Presidency, within five years we will be on our legs. I am not asking that an embargo should be placed immediately. We cannot take the initiative in this matter. The Madras Government are powerless. It is the Government of India that must do something."

"Then, Sir, what is the state of health of our people?"

MR. PRESIDENT:—"The hon. Member will please come back to the resolution proper and not dwell on the health of the people."

KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR:—"Sir, if we grow paddy sufficient for our consumption, we can have hand-pounded rice and that will give a lot of work for the unemployed labourers. I commend this resolution for the acceptance of the House."

DR. SIR K. V. REDDI NAYUDU:—"Sir, I do not wish to detain the House long. I find that three Hon. Ministers were pleased to speak on this motion and that the Hon. Mr. Giri and the Hon. Mr. Ramanathan whole-heartedly supported the resolution. I am pleased to find, Sir, that the Hon. Mr. Giri has kindly consented to communicate the proceedings of the House to the Government of India."

"Sir, there are one or two matters which, coming as they did from an expert member, cannot be left unchallenged. (Laughter) I was reading recently a book by a well-known publishing firm which contained the statement that the advice given by scientific

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experts in England—and I take it that this applies to American experts as well—has proved in practice not only useless but even harmful. That is a rather sweeping statement, I agree. But still, Sir, I was not a little surprised when, pleading for the consumer and the labourer, my hon. Friend advanced propositions which even laymen like myself—I was only a Physics student and cannot understand Economics, I admit—with our experience and ordinary commonsense, can dismiss as untenable. My hon. Friend, Mr. Ramalingam Chettiyar has answered most of it and I wish to say something only about the labourers and the consumers. The consumers' protection has always been, I thought, upheld by the bureaucrats of this country whenever the country sought protection in the Legislative Council. (A Voice: 'Which bureaucrat?') White bureaucrat. (Laughter) I have not yet come to the brown bureaucrat. These bureaucrats always express sympathy for the consumers, especially when cotton products from Manchester which were intended to be imported here came under discussion. Quite recently too, when the question came with reference to the cotton yarn and there was so much dispute in the Legislative Assembly, the Indians voted for protection and the European members and the Government blocks voted the other way. (Sri T. A. Ramalingam Chettiyar: 'Fighting for the consumer?') Let us leave the consumer alone. Evidently my hon. Friend has not noticed that sentence in my first speech where I pointed out that 80 per cent of the population of this country live in rural areas and that 70 per cent of the population live by land. It means that they are not all landowners. They are landholders, tenants, labourers and other persons who assist in the cultivation. All of them depend upon the price of paddy."

"The second point raised by my hon. Friend was that the labourers were one-third of the population. He asked, how are they to maintain themselves? There is a fallacy in the argument. In the first place, instead of depending upon Malabar or Travancore experience, if he had experience of the Godavari, Kistna and so on . . ."

DR. P. J. THOMAS:—"Why mention only deltaic areas Sir?"

DR. SIR K. V. REDDI NAYUDU:—"I am speaking of people who have experience of my district. The hon. Member has not got experience of my district. You find there that in many places the wages are paid in grain. Even where it is not paid in grain, lower wages are paid when the price of paddy is low and higher wages when the price is high. This shows, Sir, that the labourers stand to gain by the rise in the price of paddy. In 1920 and in 1929 we were paying Re. 1 for a male labourer

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and 12 annas for a female labourer when they were engaged for harvesting and so on. But to-day we are paying 8 annas and 6 annas, respectively, i.e., 50 per cent less.

"Sir, there is another thing to which reference was made by an hon. Member. As the matter is important, it will bear repetition. Now that the price of paddy has fallen, you do not find any house-building in the villages and no works of improvement on the land are undertaken. This is so, because there is nothing in their hands for people to build houses with. One direct consequence of this is that the village carpenter is out of work and the village labourer is out of work. Hundreds of people who for various purposes are dependent upon cultivation are jobless altogether. In the circumstances I do not think it will be seriously contended by my hon. Friend that this unemployment would not be relieved a bit by a rise in the price of paddy. I wish to add in this connexion that it is not my intention in bringing forward this motion to be retaliatory. This motion has not the least connexion with the treatment which our people are said to be receiving in Burma. This resolution is based purely on the economic condition of our people. I have not said one word about the treatment our people have received in Burma.

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P.M.

"There was some reference made by the Leader of the Opposition to the Members of the Government of India. When protection was given to wheat, it was Sir George Rainey who was the Commerce Member, if I am not mistaken. And of course there was my esteemed friend, the genius, the late Sir Fazli Hussain who practically conducted the administration of Bengal and Delhi. These two gentlemen gave support to wheat. I am not complaining when I said that they gave protection to wheat and sugar. I know that it was not possible for the Government of India to give protection to rice at that period. Burma was part of India and under the Act there could not be any inter-provincial duties. (An hon. Member: 'But now?') Now, I agree that we have not come to that stage. We got the Order-in-Council only three years back. They could not interfere. And I could not lay my complaint with the Government of India. I only say, 'you have extended that principle to those two products. Extend it to this.' It is fortunate that an esteemed citizen of our Province, the Hon. Sir A. Ramaswami Mudaliyar is in charge of this very portfolio, and we have no reason to think that he will not help us."

THE HON. SRI C. RAJAGOPALACHARIAR:—"He may try his luck now."

DR. SIR K. V. REDDI NAYUDU:—"Because it is luck, Sir, to do something for one's own Province."

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"Well, Mr. President, there may be one or two other points but I do not propose to go into them. I am really thankful to the Hon. Minister and the members of the House for the support they have given to this resolution. I do not generally resort to questions or resolutions. For two years, I introduced only one resolution and that was not very satisfactorily supported, from my point of view. But this is a matter for gratification and I am really thankful to them."

The motion was put and carried.

MR. PRESIDENT:—"The hon. Member Sri Peddi Raja is not in his place. The resolution^a standing in his name is therefore deemed to have been withdrawn."

The House then adjourned *sine die*.

^a SRI P. PEDDI RAJU:—

This Council recommends to the Government that no inclusion fees shall be collected for improving dry lands under wet ayaout in the Godavari and Kistna Deltas.

[9th August 1939]

APPENDIX I.

[Vide answer to unstarred question No. 2 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 9th August 1939, page 117 supra.]

Statement showing the salaries and allowances of the officers in the Indian Territorial Force.

Pay and allowances, when gazetted as officers :—

Senior grade.		Pay per month.	Camp allowance per month.	Total.
		RS.	RS.	RS.
Second Lieutenant (on probation)	..	385	150	535
Lieutenant	..	435	150	585
Captain	..	625	150	775

Junior grade.		Pay per month.	Clothing allowance per month.	Total.
		RS.	RS.	RS.
Jamadars	..	75	5	80
Subadars	..	130	5	135

Messing allowance.—Ten annas a day and a bounty of Rs. 30 for completed training.

During the period of their training and until the date of their appointment as second Lieutenant or Jamadar as notified in the Gazette, they will receive pay of Rs. 16 per month as an ordinary private: they will be styled as probationary senior or junior grade officers, and will be required to live in the officers' mess, senior or junior grade, as the case may be.

Outfit allowance.—On being commissioned an outfit allowance of Rs. 300 and Rs. 160 is given for the purchase of uniform for senior grade and junior grade officers respectively.

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APPENDIX II.

[Vide item III (1) at page 117 supra.]

L.A. BILL No. 18 OF 1939

(As passed by the Assembly)

A Bill further to amend the Madras Co-operative Land Mortgage Banks Act, 1934, for a certain purpose.

WHEREAS it is expedient further to amend the Madras Co-operative Land Mortgage Banks Act, 1934, for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Co-operative Land Mortgage Banks (Amendment) Act, 1939. Short title.

2. After section 29 of the Madras Co-operative Land Mortgage Banks Act, 1934, the following section shall be inserted, namely :— Insertion of new section 29-A in Madras Act X of 1934.

“ 29-A. (1) Subject to such restrictions, limitations and conditions as may be prescribed, the Registrar and persons subordinate to the Registrar who are authorized by him in this behalf by general or special order in writing, and such other persons, being officials engaged in the relief of rural indebtedness or officers of co-operative banks which are registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, as the Provincial Government may, by notification in the *Fort St. George Gazette*, authorize in this behalf, shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely :—

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the production of documents; and
- (c) issuing commissions for the examination of witnesses.

Power to summon witnesses and requisition documents.

Mad Act
1932.

1908.

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(2) Any of the officers or persons authorized by or under sub-section (1) may require any person present before him to furnish any information or to produce any document then and there in his possession or power.

(3) Any officer or person before whom any document is produced under sub-section (1) or sub-section (2) shall have power to take, or to authorize the taking of, such copies of the document or of any entries therein as such officer or person may consider necessary. Copies so taken shall, when certified in such manner as may be prescribed, be admissible in evidence for any purpose in the same manner and to the same extent as the original document or the entries therein, as the case may be.

(4) (a) Any person who wilfully or without reasonable excuse disobeys any summons, requisition or order issued under sub-section (1) or sub-section (2), shall be punishable with fine which may extend to fifty rupees, and in the case of a continuing disobedience with an additional fine which may extend to five rupees for every day during which such disobedience continues after conviction for the last such disobedience.

(b) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under clause (a).

(c) Every offence under clause (a) shall, for the purposes of the Code of Criminal Procedure, 1898, be deemed to be non-cognizable.

(d) No prosecution shall be instituted under clause (a) without the previous sanction—

(i) of the Registrar in case the summons, requisition or order alleged to have been

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disobeyed was issued by the Registrar or any person subordinate to him or by any officer of a co-operative bank; and (ii) of the Collector of the district in other cases.

Such sanction shall not be given without giving the party concerned an opportunity to be heard.

(5) The Provincial Government shall have power to make rules for giving effect to the provisions of this section."

APPENDIX III.

[Vide item III (5) at page 118 supra.]

L.A. BILL No. 19 OF 1939.

(As passed by the Assembly)

A Bill further to amend the Madras Commercial Crops Markets Act, 1933, for certain purposes.

WHEREAS it is expedient further to amend the Madras Commercial Crops Markets Act, 1933, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Commercial Crops Markets (Amendment) Act, 1939.

2. In clause (iv) of section 2 of the Madras Commercial Crops Markets Act, 1933 (hereinafter referred to as the said Act), after the word and figure "section 4", the words, figure and letter "as altered by the notification or notifications, if any, under section 5-A" shall be added.

3. (1) In section 6 of the said Act, for clause (iv) of sub-section (1), the following clause shall be substituted, namely:—

"(iv) four shall be persons elected from among themselves by—

(a) persons licensed under section 4, and

(b) buyers, sellers, and buyers and sellers in the notified area of the commercial crop or of any of the commercial crops concerned, registered as such under the rules prescribed in that behalf for a period of not less than one year:—"

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(2) In the same section, in the first proviso to sub-section (2), after the expression " clause (iii) ", the expression " or clause (iv) " shall be inserted.

4. After section 11 of the said Act, the following section shall be inserted, namely:—

" 11-A. The market committee may, subject to such rules as may be made in this behalf, levy a subscription for collecting and disseminating among the subscribers, information as to any matter relating to crop statistics or marketing in respect of the commercial crop or any of the commercial crops concerned."

5. In section 13 of the said Act—

(i) in clause (viii), the word " and " at the end shall be omitted; and

(ii) clause (ix) shall be renumbered (x) and after clause (viii), the following clause shall be inserted, namely:—

" (ix) schemes for the extension or cultural improvement of the commercial crop or crops concerned within the notified area, including the grant, subject to the approval of the Provincial Government, of financial aid to schemes for such extension or improvement within such area, undertaken by other bodies or individuals; and "

6. In sub-section (2) of section 18 of the said Act, after clause (iv), the following clause shall be inserted, namely:—

" (iv-a) the maximum rates of subscriptions which may be levied by the market committee under section 11-A, and the recovery of such subscriptions; "

7. Any member of a market committee elected under clause (iv) of sub-section (1) of section 6 of the said Act and holding office at the commencement of this Act shall, subject to the second proviso to sub-section (2) of section 6 aforesaid and the Explanation to that proviso, be entitled to continue to be a member for the remaining portion of his period of office; and nothing contained in the first proviso to sub-section (2) of section 6 aforesaid as amended by this Act shall apply to him.

Insertion of new section 11-A in Madras Act XX of 1933.

Levy of subscription for market statistics, etc.

Amendment of section 13, Madras Act XX of 1933.

Amendment of section 18, Madras Act XX of 1933.

Continuance in office of certain existing members of market committees.

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APPENDIX IV.

[Vide item III (3) at page 119 supra.]

L.A. BILL No. 20 OF 1939

(As passed by the Assembly).

A Bill further to amend the Madras City Municipal Act, 1919, for a certain purpose.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, for the purpose of providing for the reconstitution of the council of the Corporation of Madras once in every three years; It is hereby enacted as follows:—

1. This Act may be called the Madras City Municipal (Amendment) Act, 1939.

2. The term of office of the councillors and aldermen who under the Madras City Municipal Act, 1919 (hereinafter referred to as the said Act) will vacate their offices at noon on the first day of November 1939 shall extend instead, up to noon on the first day of November 1940 and the term of office of the councillors who under the said Act will vacate their offices at noon on the first day of November 1941 shall expire instead at noon on the first day of November 1940; and the provisions of the said Act as amended by sections 3 and 4 of this Act shall have effect accordingly.

3. In section 28 of the said Act—

- (i) in sub-section (1), clause (c) and the word " and " occurring at the end of clause (b) shall be omitted, and at the end of clause (a) the word " and " shall be inserted; and
- (ii) in sub-section (3), for the expression " clause (c) ", the expression " clause (a) " shall be substituted.

4. In sub-section (1) of section 56-C of the said Act, for the first sentence beginning with the word " Vacancies " and ending with the words " as councillors on the said day ", the following sentence shall be substituted, namely:—

" Vacancies arising by efflux of time in the office of aldermen shall be filled by election at a meeting of the persons who on the first day of November on which such vacancies will arise will enter upon office as councillors."

the Act of 1919.

the Act of 1919.

Short title

Certain councillors and aldermen to vacate office on 1st November 1940 instead of on 1st November 1939 and November 1941.

Amendment of section 28, Madras Act IV of 1919.

Amendment of section 56-C, Madras Act IV of 1919.

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APPENDIX V.

[Vide item III (4) at page 129 supra.]

L.A. BILL No. 21 OF 1939.

(As passed by the Assembly)

A Bill further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for certain purposes.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939.

Amendment of sections 59 and 101, Madras Act IV of 1919.

2. In the Madras City Municipal Act, 1919—

Madras Act I of 1919.

- (i) in section 59, the second proviso to clause (c) of sub-section (2) shall be omitted; and
- (ii) to section 101, the following proviso shall be added at the end, namely :—

“Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from property tax any building or land for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses.”

Amendment of sections 43, 83 and 303, Madras Act V of 1920.

3. In the Madras District Municipalities Act, 1920—

Madras Act V of 1920.

- (i) in sub-section (2) of section 43, for the last sentence, the following sentence shall be substituted, namely :—

“Each of the other wards shall return such number of members (whether one or more) as may be notified by the Provincial Government.”;

- (ii) in sub-section (1) of section 83—

(1) clauses (c), (d) and (e) shall be relettered (g), (h) and (i) respectively, and for clauses (a) and (b), the following clauses shall be substituted, namely :—

“(a) places set apart for public worship and either actually so used or used for no other purpose ;

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(b) ~~choultries~~ for the occupation of which no rent is charged and ~~choultries~~ the rent charged for the occupation of which is used exclusively for charitable purposes ;

(c) buildings used for educational purposes including hostels, public buildings and places used for the charitable purpose of sheltering the destitute or animals, and libraries and playgrounds which are open to the public ;

(d) such ancient monuments protected under the Ancient Monuments Preservation Act, 1904, or parts thereof as are not used as residential quarters, or as public offices ;

(e) charitable hospitals and dispensaries ;

(f) such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by the Provincial Government ;” ; and

(2) after clause (i) as so relettered, the following proviso shall be inserted, namely :—

“Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from property tax any building or land for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses.” ; and

(iii) in sub-section (2) of section 303, the second proviso to clause (b) and the word “and” at the end of the first proviso shall be omitted.

Madras Act XIV of 1920.

4. In the Madras Local Boards Act, 1920—

Amendment of sections 22-A, 47, 48 99 and 199, Madras Act XIV of 1920.

(i) for clause (b) of sub-section (2) of section 22-A, the following clause shall be substituted, namely :—

“(b) When the office of president of a panchayat is vacant and there is either a vacancy in the office of vice-president or the vice-president has been continuously absent from

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jurisdiction for more than fifteen days or is incapacitated, the prescribed authority shall appoint a person to convene a meeting for the election of a president. The person so appointed shall convene a meeting for such election, and notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, shall preside at the meeting so convened and have all the powers of the president of the panchayat in relation thereto, except that he shall not have the right to vote at the election. Where any person has been appointed as aforesaid, no other person shall be entitled to convene or conduct a meeting for the election of a president.

Until a new president or vice-president is elected and assumes office, or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be, a member of the panchayat appointed by the president of the district board shall, subject to the provisions of the preceding paragraph and to such further restrictions, limitations and conditions, if any, as the Provincial Government may by general or special order lay down, exercise the functions of the president of the panchayat.”;

(ii) in sub-section (2) of section 47, for the last sentence, the following sentence shall be substituted, namely :—

“ Each of the other circles shall return such number of members (whether one or more) as may be notified by the Provincial Government.”;

(iii) in sub-section (2) of section 49, for the last sentence, the following sentence shall be substituted, namely :—

“ Each of the other wards shall return such number of members (whether one or more) as may be notified in the manner aforesaid by the Provincial Government ”;

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(iv) in section 99—

(1) clauses (c) and (d) shall be relettered (g) and (h) respectively, and for clauses (a) and (b), the following clauses shall be substituted, namely :—

“ (a) buildings set apart for public worship and either actually so used or used for no other purpose ;

(b) choultries for the occupation of which no rent is charged and choultries the rent charged for the occupation of which is used exclusively for charitable purposes ;

(c) buildings used for educational purposes including hostels and for libraries which are open to the public, and public buildings used for the charitable purpose of sheltering the destitute or animals ;

(d) such ancient monuments protected under the Ancient Monuments Preservation Act, 1904, or parts thereof as are not used as residential quarters or as public offices ;

(e) charitable hospitals and dispensaries and other buildings exclusively used for charitable purposes ;

(f) such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by the Provincial Government ; ” ; and

(2) after clause (h) as so relettered, the following proviso shall be inserted, namely :—

“ Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from house-tax any building for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses.” ; and

(v) in section 100, the second proviso to clause (b) of sub-section (2) shall be omitted.

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