

MADRAS LEGISLATIVE ASSEMBLY DEBATES

THIRD SESSION OF THE FIRST LEGISLATIVE ASSEMBLY
UNDER THE GOVERNMENT OF INDIA ACT, 1937

Vol. IX—Nos. 1 to 10.

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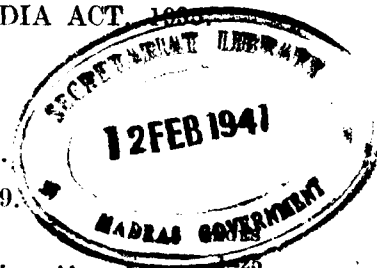
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PERSONNEL OF THE GOVERNMENT OF
MADRAS.

GOVERNOR OF MADRAS.

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

COUNCIL OF MINISTERS.

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

A. CHIEF SECRETARIAT (PUBLIC DEPARTMENT).

Provincial subjects—

Agency tracts.
Assumption of office by Governor.
Business and Secretariat Rules.
Business of Government—Distribution among Departments
of the Secretariat.
Cabinet—Arrangements for meetings.
Civil Lists—Preparation.
Committees and conferences not pertaining to any other
department of the Secretariat.
Correspondence—Objectionable—Censorship.
Criminal Investigation Department—Other than establish-
ment.
Elections to the Provincial legislature including election
offences and disputed elections.
Examinations—Government—Departmental—
Board of Examiners.
Foreign Governments and Indian States—Correspondence
with.
General—Questions of a general nature which cannot be
allotted to any particular department.
Government House—
(i) Establishments—
Band.
Bodyguard.
Governor's Secretary's office.
Medical.
Military Secretary's office.
(ii) Grants—
Contract.
Furniture.
Sumptuary.
Tour.
(iii) Personal staff of the Governor.

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

Government House—*cont.*

(iv) Works—

Construction.

Maintenance and furnishing.

Government Servants' Conduct Rules.

Handbook of Procedure and Precedents.

High Court Judges—Leave.

Holidays.

Indian Civil Service (including annuities) and listed posts.

Internal Security.

Islands—Laccadives, Amindivi and Minicoy.

Judicial and Executive functions—Separation of.

Land returns—General questions.

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

Legislative Council and Legislative Assembly.

Madras Public Service Commission.

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

Ministers—Appointments and resignation.

Newspapers and Periodicals—Perusal of.

Office procedure.

Officers—European—Casualty report.

Ootacamund, Stonehouse Hill—Move to and from.

Petition Rules.

Political Handbook.

Political offences—Prosecutions.

Precedence—Warrant of—

Darbari Zamindars.

Prisoners, State.

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

Public Peace—Disturbance of.

Public Services—

Communal representation—General questions.

General questions and commissions of enquiry.

Notification (including exemptions).

Revised scales of pay.

Service associations.

Services under the control of the Local Government—

Statutory rules to regulate the method of recruitment, conditions of service, pay, allowances and pension—

General revision and amendments of existing rules.

Special tests—General questions and exemptions.

Statutory Rules and Orders—

Civil Services (Classification, Control and Appeal) Rules.

Superior Civil Services Rules.

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

Public Services—*cont.*

Subordinate Services—

Discipline and Appeal Rules.

Passage Rules.

Railway lands—Jurisdiction.

Religious or communal disputes.

Reports—

Fortnightly.

Matters of political and administrative importance.

Returns—Next of kin.

Secretariat—

Central Issue Branch.

Central Records Branch.

Establishment.

Library.

Manual.

Telegrams—Reuters and News Agency.

Visits—

Commander-in-Chief.

Distinguished foreigners.

Flag Officer, Commanding Royal Indian Navy.

Governors of other provinces.

Indian Chiefs.

Naval Commander-in-Chief.

Viceroy.

Warships, British and foreign.

Concurrent subjects—

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

Federal subjects—

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

Consuls—

British.

Foreign.

Council of State—Nomination of members.

Defence of India—

Army in India Reserve of Officers.

Auxiliary and Territorial forces.

Ex-army men.

Movement of troops.

Naval, military and air forces in India.

Ecclesiastical affairs.

External affairs.

Federal Public Services.

Federal Public Service Commission.

French Settlements in India.

Indian Chiefs and States.

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

Federal subjects—cont.

Naval, military and air force works.
 Political charges.
 Political detenus from Indian States.
 Political Pensions.
 Preventive detention for reasons of State connected with defence, external affairs or the discharge of the functions of the Crown.
 Reforms.
 Regulation of ceremonials, titles, orders, precedence and civil uniform.
 Relations with States in India.
 Territorial Changes.

B. HOME DEPARTMENT.

Provincial subjects—

Police including C.I.D. (Establishment), railway police and village police.
 Provincial works and buildings under the administrative control of the Police Department.

Concurrent subjects—

Persons subject to preventive detention under Federal authority.

Federal subjects—

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

C. FINANCE DEPARTMENT.

Provincial subjects—

Accounts, Provincial (including classification and prescription of units).
 Annual financial statement (Budget).
 Appropriation Accounts and Auditor-General's report thereon.
 Audit of receipts and accounts of stores and stock.
 Commercial accounts.
 Economies in expenditure.
 Famine Relief Fund.
 Financial Rules.
 Fundamental Rules (including Revised Leave Rules).
 Loans and Advances.
 Local Fund Audit.

C. FINANCE DEPARTMENT—*cont.*

Provincial subjects—cont.

Provincial balances.
 Public Debt of the Province including borrowings from the Government of India.
 Reappropriations.
 Re-employment of civil pensioners.
 Secretariat—Cash Bureau.
 Service Pensions including Provident Funds but not including Indian Civil Service Annuities.
 Supplementary Statements of expenditure.
 Taxation and allied measures—Initiation of.
 Travelling allowance rules.
 Treasury Rules.
 Ways and Means.

Federal subjects—

Corporation Tax.
 Currency, coinage and legal tender.
 Federal pensions, that is to say, pensions payable by the Federation or out of Federal revenues.
 Federal taxes and duties in which the Provinces are interested, such as Income-tax, Federal excises, etc.
 Indian Audit and Accounts Service examination.
 Post Office Savings Bank.
 Public Debt of the Federation.

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

Provincial subjects—

Betting Tax Act.
 Board of Revenue (general).
 City Tenants' Protection Act.
 Constitution of districts, divisions and taluks.
 Court of Wards and Zamindars—
 Impartible Estates Act.
 Deputy Collectors.
 District Gazettes and Gazetteers.
 Duties in respect of succession to agricultural land.
 Estates Land Act.
 Famine relief.
 Floods.
 Inams.
 Irrigation (minor works)—
 Minor irrigation establishments.
 Minor irrigation works.
 Navigation.
 Water-rate.

Provincial subjects—cont.

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

- Alienation of land revenue.
- Assessment and collection of land revenue.
- Colonization and disposal of Crown lands.
- Establishment.
- Land improvement and agricultural loans.
- Laws regarding land tenures—Easements—Relations of landlord and tenant—Collection of rents—Transfer and devolution of agricultural land.
- Maintenance of land records—Survey for revenue purposes—Records of rights.
- Management of Government estates.
- Miscellaneous.
- Revenue Recovery Act.

Lands—

- Acquisition.
- Alienation.
- Assignment.
- Encroachment.
- Land records.
- Military lands.
- Railway lands.
- Transfer of lands between Central and Provincial Governments.

Malabar Tenancy Act.

- Pensions—Hereditary not being political.
- Pounds and prevention of cattle trespass.
- Procedure in rent and revenue courts.
- Provincial works and buildings under the administrative control of the Land Revenue and Registration Departments.

*Registration.**Sale of Cloth Act.**Season.**Settlement—Kistbandi.**Special funds.**Stamp duty on documents—Rates of.**Survey—Boundary disputes.**Taxes on agricultural income.**Transfer of villages.**Treasure trove.**Treasuries.**Village accounts.**Village establishments.**Water-supply.**Yeomiah.**Concurrent subjects—*

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

Registration of deeds and documents.

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

Federal subjects—

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

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

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

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

Salt.

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

Survey of India.

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

Provincial subjects—

Canals—Irrigational and navigable.

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

Gas and gas works.

Hydro-electric schemes.

Inland waterways and traffic thereon.

Irrigation—Major works.

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

Minor ports.

Minor railways, light and feeder railways.

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

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

Railway—Accidents.

Rivers—Conservancy.

Taxes on boats.

Tramways—Extra municipal.

Concurrent subjects—

Boilers.
Electricity.
Shipping and navigation on inland waterways as regards mechanically propelled vessels, carriage of passengers and goods on inland water-ways.

Federal subjects—

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

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

Provincial subjects—

Administration of justice, civil and criminal, including constitution, jurisdiction, powers, maintenance and organization of courts within the province—
Additional and Assistant Sessions Judges.
Bench Courts.
Civil Courts including High Courts.
Civil Rules of Practice.
Criminal appeals.
Criminal justice report.
Criminal powers.
Criminal Rules of Practice.
Honorary Magistrates.
Presidency Magistrates and Courts.
Remission and Commutation of sentences.
Betting and gambling—except State lotteries.
Breach of Contract Act.
Carbide of Calcium.
Child Marriage Restraint Act.

Provincial subjects—cont.

Children Act.
Cinematograph Act.
Civil Law.

Control of motor vehicles—

Motor Vehicles Act.
Control of vehicles other than mechanically propelled vehicles.
Coroners.
Criminal lunatics.
Discharged Prisoners Aid Society.
Escheats.
Hackney Carriages Act.
Immoral Traffic.
Indian Bar Councils Act.

Jails—

Borstal institutions.
Jails and sub-jails.
Prisoners' homes.
Reformatories.
Justices of Peace.
Kazis Act.
Law officers.
Madras Motor Vehicles Taxation Act.
Malabar and Rampa Rebellion prisoners.
Petitions for mercy from sentences of death.
Petitions from convicts including Port Blair convicts.
Preventive detention and persons subject to such detention.
Prisoners.
Prisons Act and rules thereunder.
Provincial law reports.
Provincial works and buildings under the administrative control of the Jail and Judicial departments.
Stage Carriages Act.
Theatres, dramatic performances and cinematographs.
Towns Nuisances Act.
Village Courts Act.

Concurrent subjects—

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

Concurrent subjects—cont.

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

Federal subjects—

Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India, subjects of any Federated State, or British subjects domiciled in the United Kingdom (excluding emigration and immigration in their relation to Labour).
 Arms, firearms, ammunition and explosives.
 Extradition including the surrender of criminals and accused persons to parts of His Majesty's Dominions outside India.
 Foreign missions.
 Migration within India.
 Naturalization.
 Passports including certificates of identity and visas.
 Petroleum and other liquids and substances declared by Federal law to be dangerously inflammable so far as regards possession, storage and transport.
 Pilgrimages to places beyond India including Hedjaz.
 Repatriation, except in its relation to Labour.
 State lotteries.

LEGAL.

Acts.
 Advising Government—
 (a) in matters of litigations, appeals, etc.;
 (b) on legal questions which are not of sufficient importance to necessitate a reference to the Advocate-General.
 Bills, non-official—Scrutiny of.
 Government Bills—Drafting and scrutiny.
 Law Officers—References to.
 Legal assistance to Government servants.
 Legal and legislative publications, such as Codes, Acts, Manuals, etc.
 Legislation—Secretariat work connected with.
 Legislature—Rules of procedure and standing orders of—Scrutiny.
 Notifications—Scrutiny of.
 Subsidiary legislation, viz., Statutory Rules and Orders (other than Service Rules) and generally assist other departments in all matters of a legal nature that may be referred to it.

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

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

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

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

A. DEVELOPMENT DEPARTMENT.

Provincial subjects—

Agriculture including agricultural education.
Agricultural statistics.
Cinchona.
Cottage Industries.
Fisheries.
Forests, including ryots' and panchayat forests.
Marketing.
Money-lending and money-lenders.
Protection of wild animals and birds.
Provincial works and buildings under the administrative control of the Agriculture, Cinchona, Fisheries, Forest and Veterinary Departments.
Rural indebtedness.
Statistics for purposes of provincial matters.
Veterinary department including Veterinary Education.
Weights and measures.

Concurrent subjects—

Prevention of the extension from one unit to another of infectious or contagious diseases or pests affecting animals or plants.
Statistics for the purpose of any of the matters in the concurrent field.

Federal subjects—

Botanical survey.
Census.
Fishing and fisheries beyond territorial waters.
Meteorology—Federal organizations.
Standards of weight.
Statistics for the purpose of any of the Federal matters.
Zoological survey.

B. REVENUE DEPARTMENT.

Provincial subjects—

Excise duties on the following goods manufactured or produced in India—
(a) Alcoholic liquors for human consumption.
(b) Opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs.
(c) Medicinal and toilet preparations containing alcohol, opium, etc.
Production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other drugs and narcotics.
Provincial works and buildings under the administrative control of the Excise Department.

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

Provincial subjects—

Co-operative Societies.
Depressed classes and labour.
Development of industries other than cottage industries.
Economic conditions including wages and prices (not famine relief).
Mines and oil-fields and development of mineral resources.
Provincial works and buildings under the administrative control of the Co-operative, Industries and Labour Departments.
Taxes on mineral rights.
Trade and commerce.
Unemployment; relief of the poor.
Unincorporated trading associations.

Concurrent subjects—

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

Federal subjects—

Banking—Conduct of banking business by corporations.
Cheques, bills of exchange, promissory notes and other like instruments.
Corporations—Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies.
Customs duties including export duties.
Development of industries where development under Federal Control is declared by Federal Law to be expedient in the public interest.
Emigration and immigration in their relation to Labour.
Geological survey.
Import and export across customs frontiers.
Indian Companies Act.
Insurance—The Law of insurance and the conduct of insurance business.
Inventions, designs, trade marks and merchandise marks.

Federal subjects—cont.

Mines and oil-fields and mineral development—Regulation of (to the extent to which such regulation and development under Federal Control is declared by Federal Law to be expedient in the public interest) and regulation of labour and safety in mines and oil-fields.

Provident insurance societies.

Repatriation, in its relation to Labour.

Tariffs.

Taxes on the capital of individuals or of companies.

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

Publicity—General.

Publicity—Free or concessional supply of Government publications.

Presidency Administration Reports.

EDUCATION DEPARTMENT.

Provincial subjects—

Books—

Copyright—

Registration of.

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

Certificate of age and qualification.

Government Presses.

Liveries and clothing.

Madras Record Office.

Provincial Gazetteers.

Stationery and Printing.

Translators to Government.

Zoological gardens.

Concurrent subjects—

Legal, medical and other professions.

Federal subjects—

Ancient and historical monuments.

Archæology and Epigraphy.

Copyright.

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

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

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

Provincial subjects—

Appeals from employees of local boards and municipal councils other than educational, medical and public health staff.

Capitation taxes, taxes on professions, trades, callings and employments.

Cesses on the entry of goods into a local area.

Charities and charitable institutions.

Corporation of Madras.

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

Local bodies—Audit reports of.

Local self-government including village administration and panchayats.

Markets.

Monigar Choultry.

Municipal councils—

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

Taxes on animals.

Taxes on land and buildings, hearths and windows.

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

Taxes on the sale of goods and on advertisements.

Tolls.

Tramways within municipalities.

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

EDUCATION.

Provincial subjects—

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

Civil Orphan Asylum.

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

Examinations except Public Service Notification and Board of Examiners.

Libraries.

Literary, scientific, religious and other societies and associations.

Museums.

Preservation and translation of ancient manuscripts.

THE MADRAS LEGISLATIVE ASSEMBLY.

PRINCIPAL OFFICERS.

Speaker.

THE HON. SRI B. SAMBAMURTI.

Deputy Speaker.

MRS. RUKMINI LAKSHMIPATHI.

Panel of Chairmen.

- 1 RAO BAHADUR SIR A. T. PANNIR SELVAM.
- 2 SRI VEMULA KURMAYYA.
- 3 MRS. KHADIJA YAKUB HASAN.
- 4 SRI K. BHASHYAM AYYANGAR.

Secretary.

SRI DIWAN BAHADUR R. V. KRISHNA AYYAR, B.A., M.L.

Assistant Secretary.

SRI M. SURYA RAO, B.A., B.L.

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS
LEGISLATIVE ASSEMBLY.

Name of member.	Name and class of constituency.
1 Abdul Hameed Khan ..	Madras City, Muhammadan, Urban.
2 Abdur Rahiman Ali Rajah, Arakal Sultan.	Chirakkal, Muhammadan, Rural.
3 Abdur Rahman Khan, K. ..	Kurnool, Muhammadan, Rural.
4 Abdul Rawoof, D.	Bellary, Muhammadan, Rural.
5 Adikesavalu Naicker, P. M. ..	Madras City North, General, Urban.
6 Adimoolam Jamedar ..	Ranipet, General, Rural (Scheduled Castes).
7 Ahmad Thambi Muhammad Mohideen Maracair (<i>Parliamentary Secretary</i>).	Tanjore, Muhammadan, Rural.
8 Ahmed Batcha Sahib, M. ..	North Arcot, Muhammadan, Rural.
9 Ammanna Raja, Srimathi G.	Ellore Town, Women, General, Urban.
10 Anantachar, B.	Hospet, General, Rural.
11 Anjalai Ammal, Srimathi ..	Cuddalore, Women, General, Rural.
12 Annamalai Pillai, N.	Tiruvannamalai, General, Rural.
13 Appadurai Pillai, Diwan Bahadur A.	Madras cum Chingleput, Indian Christian.
14 Ari Gowder, H. B.	The Nilgiris, General, Rural.
15 Arunachalam Chettiyar, Muthu. Kr. Ar. Kr.	Sivaganga, General, Rural.
16 Attakoya Thangal, Khan Bahadur P. M.	Calicut, Muhammadan, Rural.
17 Balakrishnan, S. C.	Palni, General, Rural (Scheduled Castes).
18 Bapineedu, M. (<i>Parliamentary Secretary</i>).	Ellore, General, Rural.
19 Basheer Ahmed Sayeed ..	Chingleput cum South Arcot, Muhammadan, Rural.
20 Bhaktavatsalam, M. (<i>Parliamentary Secretary</i>).	Tiruvallur, General, Rural.
21 Bhaktavatsalu Nayudu, B. ..	Ranipet, General, Rural.
22 Bhashyam Ayyangar, K. ..	Chingleput, General, Rural.
23 Bhaskara Rao Mahasayo, Sri-man Y. V. A.	Palkonda, General, Rural.
24 Bhuvarahan, V.	Tanjore cum Kumbakonam Towns General, Urban.
25 Bower, I.S.O., E. H. M. ..	Anglo-Indian.
26 Buchappa Nayudu, P. ..	Ongole, General, Rural.
27 Chandu Arasu ..	Calicut, General, Rural.

Name of member.	Name and class of constituency.
28 Chandramouli, K.	Tenali, General, Rural.
29 Chelvapathi Chetti, G.	Textile Workers' Trade Union (Madras), Labour.
30 Chengam Pillai, O.	Tiruvallur, General, Rural (Scheduled Castes).
31 Chidambara Ayyar, S.	Villupuram, General, Rural.
32 Chinnamuthu, P.	Koilpatti, General, Rural (Scheduled Castes).
33 Chokkalingam Pillai, T. S.	Tinnevely, General, Rural.
34 Damodaram, M. P.	Kottayam, General, Rural.
35 D'Mello, E. M.	Anglo-Indian.
36 Doraikannu, M.	Tiruttani, General, Rural (Scheduled Castes).
37 Doraiswami Nadar, A. R. A. S.	Tuticorin, General, Rural.
38 Ghouse Mohideen, S.	Cuddapah, Muhammadan, Rural.
39 Giri, The Hon. Sri V. V. (Minister).	Bobbili, General, Rural.
40 Gopala Reddi, The Hon. Sri B. (Minister).	Kavali, General, Rural.
41 Govinda Doss, D.	Bollary, General, Rural (Scheduled Castes).
42 Govindan Nayar, C. K.	Kurumbanad, General, Rural.
43 Gupta, V. J.	Vizagapatam, General, Rural.
44 Guruvulu, Saheti	Chicacole, General, Rural (Scheduled Castes).
45 Halasyam Ayyar, N.	Trichinopoly, General, Rural.
46 Hodgson, G. H.	European Commerce, the Madras Chamber of Commerce and the Madras Trades Association.
47 Hussain, H. S.	Mangalore, Muhammadan, Rural.
48 Isaac, D. R.	Northern Circars, Indian Christian.
49 Ishwara, K.	Coondapoor, General, Rural (Scheduled Castes).
50 Jebamoney Masilamoney, Mrs.	Tinnevely cum Palamcottah cum Tuticorin Towns, Women, Indian Christian, Urban.
51 Jogi Nayudu, Allu	Vizianagram, General, Rural.
52 Kaderkutti, A. K.	Kottayam, Muhammadan, Rural.
53 Kadirappa, D.	Penukonda, General, Rural (Scheduled Castes).
54 Kaleswara Rao, A. (Parliamentary Secretary).	Bezwada cum Masulipatam Towns, General, Urban.
55 Kamaraja Nadar, K.	Sattur, General, Rural.
56 Kannan, E.	Malappuram, General, Rural (Scheduled Castes).
57 Karant, K. R.	Puttur, General, Rural.
58 Karunakara Menon, A.	Malappuram, General, Rural.

Name of member.	Name and class of constituency.
59 Khadija Yakub Hasan, Mrs.	Madras City, Women, Muhammadan, Urban.
60 Khalif-ul-lah, Khan Bahadur P.	Trichinopoly, Muhammadan, Rural.
61 Kolandavelu Nayanar, K.	Mannargudi, General, Rural (Scheduled Castes).
62 Koti Reddi, K.	Cuddapah, General, Rural.
63 Krishnamachariar, T. T.	Southern India Chamber of Commerce.
64 Krishnamurti, G.	Railway Trade Union, Labour.
65 Krishnan, S.	Pollachi, General, Rural (Scheduled Castes).
66 Krishna Rao, G.	Northern Central Landholders.
67 Krishnaswami Bharati, L.	Melur, General, Rural.
68 Kulasakaran, K.	Tindivanam, General, Rural (Scheduled Castes).
69 Kumararaja M. A. Muthiah Chettiyar of Chettinad.	The Nattukottai Nagarathars' Association.
70 Kumaraswami Raja, P. S.	Srivilliputtur, General, Rural.
71 Kunhammad Kutty Hajee, P. I.	Calicut cum Cannanore cum Tellicherry Towns, Muhammadan, Urban.
72 Kuppuswami Ayyar, K.	Dindigul, General, Rural.
73 Kurmayya, V.	Bandar, General, Rural (Scheduled Castes).
74 Kuttimalu Amma, Srimathi A. V.	Tellicherry cum Calicut Towns, Women, General, Urban.
75 Laljan, S. M.	Guntur, Muhammadan, Rural.
76 Lakshmanaswami, O.	Kurnool, General, Rural.
77 Lakshmanaswami, P.	Amalapuram, General, Rural (Scheduled Castes).
78 Lakshmi Ammal, Srimathi K.	Sernadevi, General, Rural.
79 Lakshmi Ammal, Srimathi V.	Dindigul, Women, General, Rural.
80 Lakshmi Devi, Dr. N.	Bellary, Women, General, Rural.
81 Langley, W. K. M.	Madras Planters.
82 Luker, F. G.	European Commerce, the Madras Chamber of Commerce and the Madras Trades Association.
83 Madhavan, P.	Chirakkal, General, Rural.
84 Mahboob Ali Baig	West Godavari cum Kistna, Muhammadan, Rural.
85 Manikkam, R. S.	Sattur, General, Rural (Scheduled Castes).
86 Marimuthu, M.	Tanjore, General, Rural (Scheduled Castes).
87 Marimuthu Pillai, S. T. P.	Musiri, General, Rural.
88 Maruthai, R.	Ariyalur, General, Rural (Scheduled Castes).
89 Mir Akram Ali	Vizagapatam cum East Godavari, Muhammadan, Rural.

Name of member.	Name and class of constituency.
90 Mohideon Kutty, P. K. ..	Palghat, Muhammadan, Rural.
91 Muhammad Abdul Kadir Ravuttar, K. S.	Madura, Muhammadan, Rural.
92 Muhammad Abdur Rahman.	Malappuram, Muhammadan, Rural.
93 Muhammad Abdus Salam, Dr.	Nellore, Muhammadan, Rural.
94 Muhammad Schammad, Khan Bahadur.	Puttur, Muhammadan, Rural.
95 Muhammad Rahmatullah, K.	Anantapur, Muhammadan, Rural.
96 Muniswami Pillai, The Hon. Sri V. I. (<i>Minister</i>).	Tirukkoyilur, General, Rural (Scheduled Castes).
97 Murti, B. S. (<i>Parliamentary Secretary</i>).	Cocanada, General, Rural (Scheduled Castes).
98 Muthuramalinga Tevar, U. ..	Ramnad, General, Rural.
99 Nachiyappa Goundar, K. A.	Omair, General, Rural.
100 Nadimuthu Pillai, A. Pl. N. V.	Tanjore, General, Rural.
101 Nagappa, S.	Kurnool, General, Rural (Scheduled Castes).
102 Nagaraja Ayyangar, N. ..	Namakkal, General, Rural.
103 Nagayya, S.	Cuddapah, General, Rural (Scheduled Castes).
104 Nanjappa Goundar, K. N. ..	Gobichettipalayam, General, Rural.
105 Narasimha Raju, D. L. ..	Sarvasiddhi, General, Rural.
106 Narasimha Raj, P. L. ..	Vizianagram, General, Rural.
107 Narasimham, C.	Chicacole, General, Rural.
108 Narasimham, V. V.	West Godavari <i>cum</i> Kistna <i>cum</i> Guntur Factory Labour, Labour.
109 Narayana Raju, Dandu ..	Bhimavaram, General, Rural.
110 Narayana Rao, K. V. ..	Bezwada, General, Rural.
111 Natesa Chettiyar, M. G. ..	Dharmapuri, General, Rural.
112 Natesa Mudaliar, P.	Saidapet, General, Rural.
113 Nuttall, J.	European.
114 Obi Reddi, C.	Anantapur, General, Rural.
115 Orchard, G. L.	European Commerce, Madras Chamber of Commerce, and the Madras Trades Association.
116 Palaniswami Goundar, V. C.	Coimbatore, General, Rural.
117 Palaniswami Gounder, V. K.	Pollachi, General, Rural.
118 Palat, R. M.	West Coast Landholders.
119 Pallam Raju, M.	Cocanada, General, Rural.
120 Pannir Selvam, Rao Bahadur Sir A. T.	Tanjore <i>cum</i> Madura <i>cum</i> Ramnad, Indian Christian.
121 Parthasarathi Ayyangar, C. R.	Chittoor, General, Rural.
122 Pedda Padalu, P.	Backward Areas and Tribes.
123 Periaswami Gounder, K. S. ..	Erode, General, Rural.
124 Periaswami Gounder, K. ..	Trichinopoly, General, Rural.
125 Periaswami, M. P.	Namakkal, General, Rural (Scheduled Castes).
126 Perumal Chettiyar, V. R. ..	Salem Town, General, Urban.
127 Perumalla Nayudu, B. ..	Kandukur, General, Rural.

Name of member.	Name and class of constituency.
128 Ponnuswami Pillai, R. ..	Chidambaram, General, Rural.
129 Prakasam, The Hon. Sri T. (<i>Minister</i>).	Madras City, South-Central, General, Urban.
130 Prasad, D. S. (Sri Raja Vasi Reddi Durga Sadasiveswara Prasad Bahadur, Manne Sultan).	Bezwada, General, Rural.
131 Raghava Menon, R.	Palghat, General, Rural.
132 Rajagopalachariar, The Hon. Sri C. (<i>Prime Minister</i>).	University.
133 Rajah, Rao Bahadur M. C. ..	Chingleput, General, Rural (Scheduled Castes).
134 Raja Rao, J.	Guntur <i>cum</i> Nellore, Indian Christian.
135 Ramachandra Reddiyar, A. K. A.	Tirumangalam, General, Rural.
136 Ramakrishna Raju, R. B. ..	Tiruttani, General, Rural.
137 Ramakrishna Reddi, T. N. ..	Madanapalle, General, Rural.
138 Ramalinga Reddiyar, D. ..	Cheyyar, General, Rural.
139 Ramalingam, A.	Tiruvannamalai, General, Rural (Scheduled Castes).
140 Ramanathan, The Hon. Sri S. (<i>Minister</i>).	Mayavaram, General, Rural.
141 Ramaswami, D. V.	Viravilli, General, Rural.
142 Ramaswami Goundar, K. S.	Palladam, General, Rural.
143 Ramaswami Mudaliyar, V. M.	Vellore, General, Rural.
144 Ramaswami Nayudu, N. G. ..	Textile Workers, Non-Union, Labour.
145 Rami Reddi, A.	Guntur, General, Rural.
146 Ranga Reddi, N.	Rajampet, General, Rural.
147 Rangiah Nayudu, G.	Madras City, North-Central General, Urban.
148 Ratnavelu Tevar, P.	Trichinopoly <i>cum</i> Srirangam Town, General, Urban.
149 Roche Victoria, J. L. P. ..	Tinnevely, Indian Christian.
150 Rukmini Lakshmipathi, Mrs. (<i>Deputy Speaker</i>).	Madras City, Women, General Urban.
151 Sahajanandam, Swami A. S. ..	Chidambaram, General, Rural (Scheduled Castes).
152 Saiyed Ibrahim, D.	Ramnad, Muhammadan, Rural.
153 Saktivadivelu Gounder, K.	Periyakulam, General, Rural.
154 Sambamurti, The Hon. Sri B. (<i>Speaker</i>).	Cocanada Town, General, Urban.
155 Samu Pillai, V. J.	South Arcot <i>cum</i> Trichinopoly <i>cum</i> Salem <i>cum</i> Coimbatore, Indian Christian.
156 Samuel, Dr. M. J.	Central Districts, Indian Christian
157 Saptharishi Reddiyar, K. C. ..	Southern Central Landholders.

Name of member.	Name and class of constituency.
158 Sarma, P. R. K.	Madras, City Dock and Factory Labour excluding Textile and Railway Labour, Labour.
159 Sattanatha Karayalar, L. ..	Koiltatti, General, Rural.
160 Seshadriachariar, B. T. ..	Gudiyattam, General, Rural.
161 Shaik Rowther, S. K. ..	Palghat, Muhammadan, Rural.
162 Shanmugam, K.	Gudur, General, Rural (Scheduled Castes).
163 Shanmuga Mudaliyar, K. A...	Tiruppattur (North Arcot), General, Rural.
164 Shaik Dawood, Khan Sahib K. A.	Salem <i>cum</i> Coimbatore <i>cum</i> The Nilgiris, Muhammadan, Rural.
165 Shaik Mansoor Tharaganar, V. S. T.	Tinnevely, Muhammadan, Rural.
166 Shetty, A. B. (<i>Parliamentary Secretary</i>).	Coondapoor, General, Rural.
167 Sitarama Reddi, H.	Bellary, General, Rural.
168 Sitarama Reddiyar, K. ..	Cuddalore, General, Rural.
169 Sivashanmugam Pillai, J. ..	Madras City, South-Central, General, Urban (Scheduled Castes).
170 Srinivasa Ayyar, D.	Gobichettipalayam, General, Rural.
171 Srinivasa Ayyar, P. S. ..	Conjeeveram, General, Rural.
172 Subba Rao, Kallur	Penukonda, General, Rural.
173 Subba Rao, Karunakaram ..	Vizagapatam <i>cum</i> East Godavari, Dock and Factory Labour, Labour.
174 Subba Rao, Marina	Rajahmundry, General, Rural.
175 Subbaraman, N. M. R. ..	Madura Town, General, Urban.
176 Subbaraya Chettiyar, A. M. P.	Negapatam, General, Rural.
177 Subbarayan, The Hon. Dr. P. (<i>Minister</i>).	Tiruchengode, General, Rural.
178 Subbiah, P.	Ongole, General, Rural (Scheduled Castes).
179 Subbiah Mudaliyar, C. P. ..	Coimbatore Town, General, Urban.
180 Subramanian, A.	Tirukkoyilur, General, Rural.
181 Swami, K. V. R.	Rajahmundry, General, Rural.
182 Syamasundara Rao, P. ..	Tekkali, General, Rural.
183 Unnikammoo, Khan Sahib V. K.	Malappuram, Muhammadan, Rural.
184 Valliappa Chettiyar, V. S. R. M.	Tiruppattur (Ramnad), General, Rural.
185 Varadachari, K.	Chandragiri, General, Rural.
186 Varadachari, N. S. (<i>Parliamentary Secretary</i>).	Madras City, South, General, Urban.
187 Varkey, The Hon. Sri C. J. (<i>Minister</i>).	West Coast, Indian Christian.
188 Vedaratnam Pillai, A. ..	Mannargudi, General, Rural.
189 Venaudaya Gounder, S. V. ..	Dharapuram, General, Rural.

Name of member.	Name and class of constituency.
90 Venkanna, G.	Elloro, General, Rural (Scheduled Castes).
91 Venkata Reddi, Gopavaram.	Nandyal, General, Rural.
92 Venkata Reddi, Grandhi ..	Narasapur, General, Rural.
93 Venkata Reddi, K.	Narasaraopet, General, Rural.
94 Venkatachalam Pillai, B. ..	Ariyalur, General, Rural.
95 Venkatachari, P. T.	Hosur, General, Rural.
96 Venkatanarayana Reddi, B.	Gudur, General, Rural.
97 Venkatappa Chettiyar, S. C.	Salem, General, Rural.
98 Venkatappa Nayudu, R. ..	Gooty, General, Rural.
99 Venkatappayya Pantulu, K...	Guntur <i>cum</i> Tenali Towns, General, Urban.
00 Venkatarama Ayyar, P. ..	Kumbakonam, General, Rural.
01 Venkataraniiah, R. S. ..	Palmi, General, Rural.
02 Venkatarao Baliga, B. ..	Mangalore, General, Rural.
03 Venkata Rao, Kala	Amalapuram, General, Rural.
04 Venkatasubba Reddiyar, R. ..	Tindivanam, General, Rural.
05 Venkatasubbayya, V. ..	Nellore, General, Rural.
06 Viswanatham, T. (<i>Parliamentary Secretary</i>).	Vizagapatam Town, General, Urban.
07 Walker, G. E.	European.
08 Yagneswara Sarma, K. P. ..	Tinnevely <i>cum</i> Palamecottah Towns, General, Urban.
09 Yakub Hasan, The Hon. Mr. (<i>Minister</i>).	Chittoor, Muhammadan, Rural.
10 Zamindar of Bodinayakkanur (T. V. K. Kamaraja Paudiya Nayakar).	Southern Landholders.
11 Zamindar of Challapalli (Zabdatul Aqran Sreemanthu Raja Yarlagadda Siva Rama Prasad Bahadur Zamindar).	Bandar, General, Rural.
12 Zamindar of Chemudu (Vyrichorla Narayana Gajapathi Raju Bahadur).	Northern Landholders I.
13 Zamindar of Mirzapuram (Sri Raja Meka Venkataraniiah Appa Rao Bahadur).	Northern Landholders II
214 <i>Vacant</i> .	
215 <i>Vacant</i> .	

THE MADRAS LEGISLATIVE ASSEMBLY.

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

Tuesday, the 17th January 1939.

The House met in the Assembly Building, Chepauk, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

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

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

* THE HON. SRI C. RAJAGOPALACHARIAR:—“ Mr. Speaker, it is my painful duty to call the attention of the House to the untimely death of the Hon. Sri K. Raman Menon who passed away on the 3rd January and in that connexion, I wish to move the following resolution which, with your permission, I place before the House:—

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

“ I thought that I might simply move this resolution and make no remarks whatsoever and I think that you will permit me to do so. It is not easy to rise to words on such an occasion and under such circumstances and it is best that one's feelings are left unexpressed. Those who leave us are on the whole happy people; it is only those who are left behind that have to find words for the expression of their grief and even that is not possible. I hope, Sir, the House will accept this resolution in the usual manner and that will assist those who still have to discharge their duties after such separation.”

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“ It is with great pain that I rise to discharge the duty of associating myself with the sentiments expressed by the Hon. the Leader of the House on this occasion. We meet now to bemoan the loss of one of our trusted comrades who has not only worked conscientiously as a member of this House and of the

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Government but has also served the country well and truly. As I said on another occasion, his loss should not be taken as that of one particular political party; that will be a wrong thing. It is right to say that the loss that we have sustained in the death of the Hon. Raman Menon is a loss for the whole country. In the short time that we have had to know him here, he has proved himself to be a great gentleman in his dealings not only with members of his party but with all those that came into contact with him either in regard to official business or with regard to private business."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, one of the most painful duties for a member to be called upon to discharge is to express his feelings regarding the death of a gentleman, I mean the Hon. Mr. Raman Menon. During the period that he was in this House, he befriended all without any distinction whatever. He was a great national worker; he devoted his life-time to the cause of the country and as we are all aware, he died in harness. Although a Minister, he did not forget that he was not different from the other members of the House or for that matter, from the rest of his countrymen. He left as one with all and he served the cause of his country. As a Minister he performed his duties truly and well. His one and only object was to serve the country to the best of his abilities; and he discharged his duties as the Minister in charge of Courts and Prisons most satisfactorily and in the best interests of the people that were placed under his charge.

"The late Mr. Raman Menon was young and we least expected that he would be taken away from our midst in the prime of youth; but it is not possible for man to question destiny or the will of God. We have nothing else to do but resign ourselves in the hands of God and accept his dispensation in these matters.

"I join with the Leader of the House in requesting you to convey to the members of the bereaved family the sympathy and the profound regret of this House at the untimely death of Mr. Raman Menon."

* SRI G. KRISHNA RAO:—"I beg to associate myself with the sentiments that have been expressed by the other members of this House on this occasion—I should say a very melancholy occasion—of the passing away of the Hon. Mr. Raman Menon. Even now, Sir, it is very difficult to bring to our minds that the vivid and vivacious personality of the late Mr. Raman Menon has been snatched away from us by the cruel hand of Death. When his illness was first reported, we thought that it would be a passing illness, but when it necessitated his being away from the scene of his duties for a long time we had some misgivings. All the same

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we expected that the medical help and all the human endeavours that were available here would bring him back to normal health; but it was in vain. It is very unfortunate that God has willed it otherwise. Now he has gone and we have to think about his qualities. He had the highest qualities of culture in him. He was very cordial to those who came in contact with him, sincere in his conception of his duties and very fearless in discharging them. It is very sad that one who was endowed with such intellectual gifts should have passed away in the full tide of his physical and mental powers. During the time he was Minister, he discharged his duties in such a manner as to impress every one that he was an administrator from whom little was feared and much was expected, and he justly earned the regard and esteem of the whole House including the members of the Opposition. On this occasion of bereavement, we deeply feel that the Government have lost a capable administrator, and the country, an able and patriotic citizen. The moving expressions of sorrow that fell from the Hon. the Premier and the Hon. Mr. Prakasam on the occasion of his death find an echo in every heart and I am sure that I am voicing the feelings of the members on all sides of the House when I say that everyone of us feels in his heart the sad and unutterable feeling that Mr. Raman Menon has gone and these benches know him no more."

* MR. J. NUTTALL:—"Mr. Speaker, it is with considerable sorrow and very great regret that we learned about the death of the Hon. Mr. Raman Menon. His qualities were greatly appreciated by all members of this House and I am sure we as a small group followed his career and his work with great respect. We appreciated the very able manner in which he dealt with the business that came before him. We cannot speak too highly of his work and it is most unfortunate that the country and this Presidency in particular has lost so capable a man. I support very gladly this resolution which has been moved by the Leader of the House."

* SRI K. VENKATAPPAYYA:—"Sir, I rise to support this resolution with deep feelings of sorrow and regret. The death of the Hon. Mr. Raman Menon has removed from our midst an amiable friend, a genuine patriot and a great national worker who was an ardent Congressman, respected and loved by all. He was deservedly given the high office of Minister and during the short time that was vouchsafed to him, he showed himself eminently fit to discharge the duties of that great office. The whole country bemoans the loss of such a person and words are inadequate to express one's feelings on an occasion like this. Though he is dead, he has joined that great galaxy of departed souls that have immortalized themselves by their service to the motherland. With these few words, I support the resolution before the House."

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MR. SPEAKER:—"The question is—

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

"In the death of the Hon. Sri Raman Menon the country has lost an ardent patriot and a man of action; society has lost a perfect gentleman; the Legislature has lost an able and popular Minister, and myself, an esteemed personal friend. I hope the House would pass this resolution."

The resolution was passed the whole House standing.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Proposal to remove the ban on certain Telugu books.

* 582 Q.—SRI K. V. NARAYANA RAO: Will the Hon. the Prime Minister be pleased to state—

(a) the causes for banning the following books in Telugu:—

(1) 1905 Russian Revolution—Published by Viswasahitya Mala of Munganda;

(2) "Anna," a novel published by Darbha Sreeramamurthi of Bhimavaram;

(3) "Manyam Rytula Tirgubatu" by P. Radhakrishna Murthi—published by Ativada Grandha Mandali of Guntur;

(b) what the portions objected to in those books are; and

(c) whether the Government will reconsider the orders of proscription?

THE HON. SRI C. RAJAGOPALACHARIAR:—" (a) The first book was banned on the ground that it contained passages tending to incite armed rebellion and the commission of offences involving violence and that it was expressly published to serve as a help in devising programmes and working them out in practice.

"The second book was banned on the ground that it contained passages tending to foster and encourage physical resistance to the representatives of law and order and commission of offences involving violence.

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"The third book was banned on the ground that it contained passages tending to incite and encourage ignorant people to the commission of offences involving violence and that the circulation of such literature in the Agency areas would be dangerous to public peace.

"(b) The portions are too many to be cited here; but I have gone through them carefully.

"(c) There is no reason to do this."

SRI K. V. NARAYANA RAO:—"With regard to the answer (a) (1), is it not a fact that the English version of the book titled '1905 Russian Revolution' has not been banned by the Central Government or by . . ."

MR. SPEAKER:—"The hon. Member is making a speech."

SRI K. V. NARAYANA RAO:—"No, Sir; I wish to bring to the notice of the Government that the English version of the books which are banned by this Government are not banned . . ."

MR. SPEAKER:—"Is it your intention to put a supplementary question?"

SRI K. V. NARAYANA RAO:—"Yes, Sir."

MR. SPEAKER:—"Please put it very briefly so that the question may be understood."

SRI K. V. NARAYANA RAO:—"May I know, Sir, when the English version of the book has not been banned by the Central Government or by this Provincial Government, why the Telugu translation of it should be banned?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The English book is read by one kind of people; and the Telugu book is read by another kind of people. This Telugu translation was expressly published to serve as a help in devising programmes and working them out in practice, as you can gather this from the preface to the book itself."

SRI K. V. NARAYANA RAO:—"Am I to understand that of people, only people reading Telugu can be very easily incited to violence?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Telugu version is read by a larger number of people than the English version, apart from temperamental differences." (Laughter.)

SRI K. V. NARAYANA RAO:—"May I know whether the hon. Prime Minister has not said some time back that the masses are prone to be more peaceful than the English-educated people?"

MR. SPEAKER:—"Will the hon. Member repeat the question?"

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SRI K. V. NARAYANA RAO:—" May I know whether the masses are more inflammable to armed revolution than the English-educated people? "

THE HON. SRI C. RAJAGOPALACHARIAR (apparently mishearing the question):—" Certainly it is more dangerous if the masses are so inflammable than the educated people."

SRI K. V. NARAYANA RAO:—" Is it not a fact that the inclination to read such books will be more, when they are banned? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" That is a matter of opinion and of co-operation between members and myself."

SRI V. M. RAMASWAMI MUDALIYAR:—" May I know whether the incitement to violence depends on the sentiments expressed in the book or upon the effect created by reading the book? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" It depends on the effect of reading, which depends again on the sentiments expressed in the book." (Laughter.)

SRI V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the sentiments contained in the English version of the book differs in any way from the Telugu version? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" That is where the effect differs from man to man." (Laughter.)

SRI K. V. NARAYANA RAO:—" May I bring to the notice of Government that in the United Provinces and other provinces, such books are not banned; but on the other hand, such a ban, if any, has been removed? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" I shall get into touch with those Governments and try to advise them." (Laughter.)

ABDUL HAMEED KHAN SAHIB BAHADUR:—" May I know, Sir, whether the hon. Premier proposes to advise members of Congress Government in other provinces . . . "

MR. SPEAKER:—" It is not a supplementary question."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" May I submit, Sir, arising out of the question . . . "

MR. SPEAKER:—" It does not arise."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Sir. . . . "

Cries of " order, order."

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Reasons for banning the pamphlets published under the auspices of the Agricultural Labourers' Association, Nellore.

* 583 Q.—SRI K. V. NARAYANA RAO: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government have issued orders on Sri Vennelakanti Raghavayya of Nellore under section 15 of the Press Act banning the publication of pamphlets which are being published under the auspices of the Agricultural Labourers' Association; and

(b) if so, why?

THE HON. SRI C. RAJAGOPALACHARIAR:—" (a) & (b) The pamphlets issued by the Agricultural Labourers' Association have not been banned. Sri Vennelakanti Raghavayya's attention was drawn to the fact that if the pamphlets are news-sheets they require an authorization, apart from the question of objectionable matter, just as newspapers require to be declared even though no question of objectionable matter is raised."

SRI K. V. NARAYANA RAO:—" May I know whether the ban applies only to those working on behalf of the Agricultural Labourers' Association, or to any other people? "

MR. SPEAKER:—" Will the hon. Member kindly repeat the question."

SRI K. V. NARAYANA RAO:—" May I know whether the warning has been issued only to those people who are working on behalf of the Agricultural Labourers' Association or to others also? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" I am not sure whether I understood the supplementary question aright. Anyhow, I shall try to answer. The question is only about orders issued against Sri Vennelakanti Raghavayya of Nellore, and this refers only to that subject. I do not know how the supplementary question arises."

MR. SPEAKER:—" I think the hon. Member may put the supplementary question in Telugu, if he cannot express himself correctly in English."

SRI K. V. NARAYANA RAO:—" నెల్లూరు వ్యవసాయ కూలీల తరఫున ప్రకటించబడిన కరపత్రములలో ఎట్టి అక్షేపణీయమైన విషయము లేక పోయినప్పటికీ warning ఎందుకీయవలసినదని? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" I am not able to hear him properly; nor can I make out what he is saying."

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MR. SPEAKER:—"I only put the suggestion for the convenience of the hon. Member. The hon. Member has not been able to put any supplementary question." (Laughter.)

SRI K. V. NARAYANA RAO:—"You know, Sir, it is very difficult for me to speak in English. But in the interest of the question involved and as the hon. Premier cannot follow me in my vernacular, I put the question in English in my own way, however crude it may be. When the subject matter of the pamphlet cannot come under the Press Act, where is the necessity for issuing a warning to Sri Vennelakanti Raghavayya of Nellore?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I said, the subject matter itself was not objectionable."

SRI K. V. NARAYANA RAO:—"Then why should the warning be issued?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The pamphlet was not banned, I said. Any news-sheet requires authorization, just as every newspaper requires a declaration. This is the rule, and this fact was brought to the notice of Sri Vennelakanti Raghavayya of Nellore. If the pamphlet is not a news-sheet, it does not require any authorization. This information was given to him; and if the pamphlet turns out to be a news-sheet any day, it requires authorization."

SRI V. VENKATASUBBAYYA:—"May I know whether his pamphlet contained any objectionable matter by way of incitement to violence?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I have already said that pamphlets were not banned and there was no question of objectionable matter. I said, just as *the Hindu* declares itself to be a newspaper, the rule requires that news-sheets should be authorized, and so no question of objectionable matter arises."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know whether it was a news-sheet or a pamphlet?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"That is left to Sri Vennelakanti Raghavayya to decide." (Laughter.)

SRI V. KURMAYYA:—"Will the objectionable matter be placed on the table of the House?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Without having heard the question, I shall try to answer (Laughter); because it is merely a repetition of what I have said already. The pamphlet has not been banned; therefore, no question of objectionable matter arises; and therefore no matter can be

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placed on the table of the House as being objectionable. The gentleman is issuing a pamphlet; his attention was drawn to the fact that there is a rule that if the pamphlet turns out to be a news-sheet, he has to take the same procedure that is taken in connexion with a newspaper, namely, that it should be authorized as a news-sheet. That is all that has happened."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know whether a similar procedure is taken in the case of all pamphlets published?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Wherever they approximate to a news-sheet, and if they are brought to the notice of the Government, similar action is sure to be taken."

Ban on the news letter published by Sri P. Sundarayya, Secretary, Andhra Congress Socialist Party.

* 584 Q.—SRI K. V. NARAYANA RAO: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government issued orders banning the news letter being sent by Sri P. Sundarayya, Secretary, Andhra Congress Socialist Party, as an unauthorized news-sheet under the Press Act;

(b) whether the Prime Minister is aware of the fact that only ten typed copies of the news letter were being despatched by post;

(c) whether correspondents of newspapers have the right of sending news letters to the Press;

(d) whether a declaration is necessary for sending news letters to different newspapers; and

(e) whether a declaration is necessary for sending reports from one provincial organization to its head and other provincial organizations?

THE HON. SRI C. RAJAGOPALACHARIAR:—" (a) The news letter was not banned. Sri P. Sundarayya's attention was drawn to the fact that, if the pamphlets are news-sheets, they require an authorization under section 15 of the Press Act, apart from the question of objectionable matter, just as every newspaper requires to be declared under section 5 of the Press Act of 1867, even though no question of objectionable matter is raised.

" (b) A report to that effect has appeared in the Press.

" (c) The answer is in the affirmative.

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“(d) & (e) No declaration is necessary unless these news-letters or reports come within the definition of ‘news-sheet’ in section 2 (6) of the Press (Emergency Powers) Act, 1931, and are published otherwise than in an authorized newspaper.”

SRI K. V. NARAYANA RAO:—“Does this come under the Press Act, Sir?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“It comes under section 2 (6) of the Press (Emergency Powers) Act, 1931.”

Disposal of the lands in the bed of the abandoned tanks in Sankarankoil taluk during the years 1850 to 1870.

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

(a) whether any irrigation tanks were abandoned and removed from the list of irrigation sources in Sankarankoil taluk, Tinnevely district, between the years 1850 and 1870;

(b) if so, how the tank-bed lands were disposed of—by public auction or by assignment; and

(c) if the tank-bed lands had been assigned on condition of relinquishment, whether the conditions were allowed to continue even after the survey and settlement and also the re-settlement?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—“(a) to (c) In view of the time and labour required to collect details by individual tanks of abandonments during a period which concluded nearly seventy years ago, the Government regret that they cannot supply the information asked for under clause (a) of the question. They have, however, with reference to clauses (b) and (c) called for a report on the general procedure and conditions adopted for the disposal of tank-bed lands.”

Assignment of lands and house-sites to Harijans in Sendurai village, Trichinopoly district.

* 586 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Revenue be pleased to state—

(a) what the policy of the present Government is with reference to the assignment of lands and house-sites to Harijans and to other backward communities;

(b) in how many cases since July 1937 assignments to depressed classes were made in Trichinopoly district;

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(c) in how many cases such assignments were refused to Harijans and for what reasons; and

(d) whether it is a fact that the land and house-sites applied for assignment by Harijans and other backward communities in Sendurai village, Trichinopoly district, have been pre-occupied by rich caste-Hindus; whether any and what action has been taken by the local officials; if not, why not?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—“(a) The attention of the hon. Member is invited to items 10 and 12 of the pamphlet entitled ‘Harijan Uplift by the Government of Madras,’ a copy of which will be supplied to the hon. Member on requisition to the Superintendent, Government Press.

“(b) & (c) These statistics have not been collected.

“(d) The Government have called for a report.”

SRI T. N. RAMAKRISHNA REDDI:—“Is it not a fact that the Harijans are to contribute half the cost of acquisition of house-site?”

SRI T. VISWANATHAM:—“The fact as stated in the report is that the Government will contribute half the acquisition cost.”

SRI T. N. RAMAKRISHNA REDDI:—“What about the other half? Is it not a fact that the Harijans are expected to contribute the other half?”

SRI T. VISWANATHAM:—“If the hon. Member had followed my answer he would have seen that the answer to his question is contained in it.”

BASHEER AHMED SAYEED SAHIB BAHADUR:—“Does this policy apply also to communities other than the Harijans, and if so, what are those communities?”

SRI T. VISWANATHAM:—“The policy enunciated is with regard to the Harijans only.”

SRI S. NAGAPPA:—“Arising out of the answer to clause (a), may I know from the Parliamentary Secretary whether the Government assign land only to those Harijans who apply for it or to all those Harijans who deserve it?”

SRI T. VISWANATHAM:—“Out of the applications received by the Government all the deserving cases are considered.”

SRI S. NAGAPPA:—“Are the Government aware, Sir, that most of the Harijans do not know to whom to apply or how to apply, as most of them happen to be illiterate?”

SRI T. VISWANATHAM:—“The hon. Member and some other hon. Members and other non-official organizations are acquainting the Harijans with regard to this matter.”

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BASHEER AHMED SAYEED SAHIB BAHADUR:—" May I ask, Sir, whether it is possible for the Government to consider the extension of this policy to other communities to secure house-sites for living? "

SRI T. VISWANATHAM:—" This question is too big being a matter of policy. But, however, I may inform the hon. Member that the Government are considering a scheme of colonization for the landless people of this Presidency."

Action taken on the memorial of the copyists and copyist-examiners in the Revenue department of South Kanara in regard to their pay and allowances.

* 587 Q.—**KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:** Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government received the memorial submitted in August 1937 by the copyists and copyist-examiners in the Revenue department of South Kanara to improve their condition and prospects; and

(b) if so, what action Government have taken in the matter?

SRI T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Sri T. Prakasam:—" (a) Yes.

" (b) Copyists and examiners drawing fixed salaries are also allowed to retain as bonus any fees realized from the use of copy stamped papers in excess of a minimum prescribed in order to save the Government from loss in the event of the value of the work done by the copyists and examiners falling below the salaries paid to them. The Government have instructed Collectors to revise the minima prescribed in the districts so that the surplus left over will be just sufficient to meet possible losses in the leanest years. The Government were unable to do anything more for the petitioners beyond the extension, already ordered, of the benefits of the General Provident Fund to all copyists and examiners in the Revenue department in receipt of a fixed pay of Rs. 15 or more per mensem."

Expenditure on purchases made outside India by the Department of Electricity since the assumption of office by the present Government.

* 588 Q.—**SRI K. R. KARANT:** Will the Hon. the Minister for Public Works be pleased to state—

(a) what the total value is of purchases made by the Department of Electricity from countries outside India after this Government was formed till the end of June 1938;

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(b) what the chief items of materials so purchased are and from which of the countries, and for what values;

(c) what the tenders for each of the items are and who are the tenderers; and

(d) whether the lowest tenders have always been accepted and if not, why not?

THE HON. MR. YAKUB HASAN:—" (a) The total value of purchases made by the Electricity department from countries outside India from the middle of July 1937 to the end of June 1938 is Rs. 51,57,900.

" (b) A statement * showing the chief items of materials so purchased with their values and the countries from which they were purchased is laid on the table of the House.

" (c) & (d) Information required in these clauses so far as the purchases made by the Director-General, India Stores Department, London, are concerned, is not available here as tenders were invited and accepted by him. As regards the purchases made by the Electricity department by inviting tenders, the statement showing the list of tenders with their values and the tenderers' names for chief items is a long one and no useful purpose is likely to be served by placing it on the table of the House. In almost all cases lowest tenders have been accepted. In a few cases the lowest tenders did not conform to specifications and requirements of the department. Lowest tenders conforming to these requirements have been accepted in those cases. When previous experience of any tenderer indicated bad workmanship or unreliable performance of equipment this has been taken into consideration in awarding contracts."

SRI K. R. KARANT:—" May I ask, Sir, whether the answer to clause (d) applies to tenders accepted in India or in England and with reference to answer to clause (c) whether information would be got from the High Commissioner for India?"

THE HON. MR. YAKUB HASAN:—" With reference to clause (d) this is done both in India as well as in England. As for clause (c) that information cannot be obtained."

SRI K. R. KARANT:—" May I ask, Sir, how the Hon. Minister reconciles his previous answer with the answer to clause (c) wherein the Hon. Minister said that the information was not available? "

THE HON. MR. YAKUB HASAN:—" The whole question is for purchases from outside India. So my answer does apply to purchases outside India alone. The question put to me is about foreign countries. There is nothing inconsistent in this."

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SRI K. R. KARANT:—"My question has not been correctly understood. If I understood the answer to clause (c) aright, it was stated that information was not available here with regard to purchases made in England. But with regard to the answer to clause (d), I understood the Hon. Minister to say that the lowest tenders were ordinarily accepted. If the tenders were accepted in this manner, how could this reply be given without information from England. That is what I fail to understand."

THE HON. MR. YAKUB HASAN:—"Clause (c) was 'What the tenders for each of the items are and who are the tenderers.' That is the question and then he asked whether I would get that information from England. . . ."

MR. SPEAKER:—"This is developing into a debate."

SRI K. R. KARANT:—"I shall not press the matter further, Sir."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Arising out of the statement placed on the table, may I ask the Hon. Minister, Sir, whether the Government are able to pursue the policy with regard to the purchase of wooden poles instead of steel poles, i.e., whether the Government have taken any steps to substitute steel poles by wooden poles?"

THE HON. MR. YAKUB HASAN:—"I have answered this question before and I do not mind repeating it. The Government are taking steps to use wooden poles as far as possible. But there are certain difficulties about it. They have to be treated. Tenders were called for; but the prices of wooden poles were not cheap enough. The Government are treating the poles themselves by the Ascu method and are making experiment on it. It is our desire that Indian materials should be used as far as possible and we are doing our best to use wooden poles."

MIR AKRAM ALI SAHIB BAHADUR:—"May I ask, Sir, the names of the foreign countries from which purchases are being made?"

THE HON. MR. YAKUB HASAN:—"It is found in the statement laid on the table. The hon. Member does not seem to have seen it."

Proposals for the establishment of a thermal station at Chittoor and the extension of the electric transmission line from Arkonam to Tiruttani and Nagari.

* 589 Q.—SRI R. B. RAMAKRISHNA RAJU:—"Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government intend to extend the electric transmission line from Arkonam to Tiruttani and Nagari, and if so, when the line is likely to be constructed;

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(b) whether any preliminary survey of the locality has been made and if so, whether the Government will be pleased to place the report on the result of the said survey on the table;

(c) whether the Government intend constructing any new lines within the Chittoor district in 1939-40 and if so, what they are; and

(d) whether they intend to start thermal stations in the Chittoor district and if so, when and where?

THE HON. MR. YAKUB HASAN:—" (a) & (b) After making necessary investigation and survey, the Chief Engineer for Electricity submitted a scheme for extending Mettur power from Arkonam to Tiruttani and Nagari, and it has been sanctioned by the Government. The line is likely to be completed by about July 1939. The Government consider that no useful purpose will be served by placing the scheme report on the table of the House.

" (c) The Government are constructing lines to Pakala and Chandragiri which are likely to be completed in 1939-40.

" (d) The question of establishing a thermal station at Madanapalle is under consideration. No other thermal station is proposed at present."

SRI R. B. RAMAKRISHNA RAJU:—"May I ask, Sir, if the report of the survey is placed on the table, will it not serve as a guide for getting the necessary information with regard to the extensions to be made to further places?"

THE HON. MR. YAKUB HASAN:—"If I understood the supplementary question aright, they want this scheme to be published so that it might serve as a guide. The Government cannot publish scheme reports."

Construction of railway lines from Tanjore to Pattukkottai and from Arantangi to Karaikudi.

* 590 Q.—SRI M. G. NATESA CHETTIYAR on behalf of Sri A. Pl. N. V. Nadimuthu Pillai: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the proposal to construct a railway line from Tanjore to Pattukkottai has been under the consideration of the Government for the past several years;

(b) whether it is a fact that the Collector of Tanjore suggested to the Government even from the point of view of the development of the Cauvery-Mettur Project, the need for the urgent construction of this line;

(c) whether it is a fact that the ex-West Tanjore District Board agreed to guarantee any loss on the working of this line as well as the projected line from Arantangi to Karaikudi and

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agreed further to make the expenditure the first charge on the guaranteed dividend it gets from the South Indian Railway Company;

(d) whether the Government are aware of the importance and need for these two lines;

(e) whether the Government have urged upon the Railway Board the necessity for the speedy construction of these two lines and, if so, with what results; and

(f) whether the Government will be pleased to place on the table the correspondence that passed between them and the Railway Board?

THE HON. MR. YAKUB HASAN:—“(a) to (e) The answers to clauses (a) to (d) and the first part of clause (e) are in the affirmative. As regards the latter part of that clause, the following is the position:—

(i) *Tanjore-Pattukkottai Railway*.—The Railway Board have stated that fresh traffic and engineering surveys are found necessary and that the cost of the surveys would come to Rs. 12,800. The district board will shortly be addressed in the matter.

(ii) *Arantangi-Karaikudi Railway*.—The Railway Board intimated in a letter, dated 26th September 1938, that the cost of a survey of the Arantangi-Karaikudi Railway would be about Rs. 3,000. The district board has agreed to bear the cost in the event of the line not being eventually taken up. In a subsequent communication, dated 19th December 1938, the Railway Board have stated that the guarantee against loss should extend to the capital cost of strengthening the Mayavaram-Arantangi line, in addition to the outlay on the Arantangi-Karaikudi line. The question is under the consideration of the Government.

“(f) The Government are unable to place the correspondence on the table without the previous approval of the Railway Board.”

Closing down of the race-course at Guindy.

* 591 Q.—SRI G. KRISHNA RAO: Will the Hon. the Minister for Law be pleased to state—

(a) whether the Government have considered the question of closing down the race-course at Guindy; and

(b) if so, what steps the Government intend to take in the matter?

THE HON. DR. P. SUBBARAYAN:—“(a) & (b) The Government have considered the question of betting in the race enclosures at Guindy to which, it is presumed, the question

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relates though framed with reference to the race course as a whole. The Stewards of the Madras Race Club have themselves decided this year in the public interest not to have the third enclosure. The Government consider that this is a great step forward in saving the poorest classes from the gambling hitherto indulged in. The Government will consider further steps to put down the gambling going on outside in respect of races all over India.”

SRI G. KRISHNA RAO:—“May I know, Sir, if the Government are thinking of closing enclosure after enclosure. Have they got a fixed policy about it?”

THE HON. DR. P. SUBBARAYAN:—“No such proposal is under consideration of the Government at the present time.”

SRI G. KRISHNA RAO:—“May I know, Sir, if I am putting the question to one of the Stewards of the Race Club of this Province?”

THE HON. DR. P. SUBBARAYAN:—“The hon. Member may be correct in his presumption.”

SRI T. S. CHOKKALINGAM:—“Will the Government be pleased to ban the publication of race acceptances and results?”

THE HON. DR. P. SUBBARAYAN:—“The latter part of the answer deals with that question, wherein it is stated, that the Government will consider further steps to put down gambling going on outside in respect of races all over India.”

Measures for the discontinuance of gambling at the races.

* 592 Q.—MRS. KHADIJA YAKUB HASAN: Will the Hon. the Minister for Law be pleased to state whether Government have considered the question of abolishing the gambling at the races which is the cause of the ruin of many families?

THE HON. DR. P. SUBBARAYAN:—“The attention of the hon. Member is invited to the answer to the preceding question.”

Manufacture in and purchase of khaddar for jails.

* 593 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(a) the quantity of khaddar prepared in each jail during the present year up till now;

(b) the value of the cloth purchased for the use of each jail during the same period; and

(c) how much of it was spent on khaddar?

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THE HON. DR. P. SUBBARAYAN:—“(a) Handspinning has been introduced only in the Central Jail, Cannanore, and the Presidency Jail for Women, Vellore. The quantity of khaddar prepared up to the end of October 1938 was 158 lb. of yarn in the Central Jail, Cannanore, and 420½ yards of cloth in the Presidency Jail for Women, Vellore.

“(b) The value of cloth purchased for the use of each jail up to the end of October 1938 is as follows:—

	RS.	A.	P.
Central Jail, Rajahmundry	3,056	0	0
Central Jail, Vellore	3,839	14	4
Central Jail, Trichinopoly	4,209	13	4
Central Jail, Coimbatore	7,120	0	0
Central Jail, Cannanore	1,530	15	0
Central Jail, Salem	4,040	15	0
Central Jail, Bellary	2,823	0	6
Central Jail, Vizagapatam	1,068	0	0
Penitentiary, Madras	4,652	10	0
District Jail, Cuddalore	1,264	13	0
District Jail, Madura	1,257	9	1
Wellesley Sanatorium Jail, Bellary ...	169	14	0
Presidency Jail for Women, Vellore ...	123	5	3

“(c) A sum of Rs. 108-12-3 was spent on khaddar, in the Presidency Jail for Women, Vellore.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I know, Sir, the price of khaddar as it is produced in each one of these jails.”

THE HON. DR. P. SUBBARAYAN:—“I am not at present in a position to do so. I shall endeavour to supply the information to him.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I know, Sir, how this khaddar has been disposed of?”

THE HON. DR. P. SUBBARAYAN:—“Here again I would invite the hon. Member to put a separate question.”

MR. V. M. RAMASWAMI MUDALIYAR:—“May I know, Sir, whether any attempt has been made in regard to the purchase of khaddar for clothing in these jails, instead of mill clothes?”

THE HON. DR. P. SUBBARAYAN:—“This again, I am afraid, is a matter for a separate question.”

Scheme for giving treatment to lepers on an extensive scale.

* 594 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have any scheme to give treatment to lepers on a very extensive scale; and

(b) if so, what the scheme is?

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THE HON. DR. T. S. S. RAJAN:—“(a) & (b) A copy * of the scheme now in force is laid on the table.

“The question of the treatment of leprosy cases is still under investigation, and a scheme will be ready after the investigation is completed.”

Successful treatment of insanity at Penicaru, East Godavari.

* 595 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware that insanity is being cured at places like Penicaru in Ramachandrapur taluk, East Godavari;

(b) if not, whether the Government will call for information on the question; and

(c) whether the Government will consider the question of introducing the methods adopted there into their mental hospitals?

THE HON. DR. T. S. S. RAJAN:—“(a) & (b) As a result of the enquiries made by the Government they understand that mental patients are treated at the places mentioned in the question. No information is available as to whether such patients have been cured.

“(c) It is not practicable to introduce the methods of treatment in Government mental hospitals where the treatment is according to the modern medical science. Besides the concerned practitioners are keeping their methods as secrets and would not divulge them to others.”

SRI K. V. R. SWAMI:—“May I know whether the Government tried to employ them as doctors with success and see that the method is used in the Government asylums also?”

THE HON. DR. T. S. S. RAJAN:—“The question contains many conditional clauses. The first question to decide is whether those patients have been cured which is itself doubtful. The second question is whether the Government could encourage secret remedies in Government hospitals. The present arrangement is not to employ secret remedies in Government hospitals.”

SRI K. V. R. SWAMI:—“Have the Government enquired into the success of that method?”

THE HON. DR. T. S. S. RAJAN:—“The answer is clear that no information is available as to whether such patients have been cured.”

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Progress of the scheme for the provision of a protected water-supply to Guntur.

* 596 Q.—SRI K. VENKATAPPAYYA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the scheme for water-supply to Guntur is ready for execution; and

(b) if not, what source for supply of water is under investigation and what stage the investigation has reached?

THE HON. DR. T. S. S. RAJAN:—“(a) & (b) The scheme for water-supply to Guntur known as the Tadepalli scheme is not ready for execution. The administrative approval of Government to the scheme has been deferred pending receipt of the report on the investigation of another source of water-supply, viz., the canal source. The report of the Sanitary Engineer on the investigation of this source is being scrutinized by the Chief Engineer.”

Alleged disparity in grazing concessions between reserve forests and panchayat forests.

* 597 Q.—SRI D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that in the matter of granting concessions for the grazing of cattle in the Government forest areas, the forest panchayats are not allowed to enjoy the concessional rates which are allowed for grazing in the reserved forest areas; and

(b) if so, whether the Government will consider the desirability of removing such an anomaly?

THE HON. SRI V. I. MUNISWAMI PILLAI:—“(a) & (b) Panchayat forests are managed by panchayats under an agreement which prescribes the rates of grazing fee and the rent to be paid to Government. When each agreement comes up for renewal the question whether the rates of grazing fee should be revised with reference to the rates now charged for grazing in departmental forests will be examined by the Board of Revenue.”

SRI G. RANGIAH NAYUDU:—“Is it a fact, Sir, that the persons who are living in the forest panchayat areas are harassed by the members of the panchayats?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“I do not think, Sir, that question arises now.”

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SRI G. RANGIAH NAYUDU:—“May I know from the Hon. Minister whether he is satisfied with the administration of the panchayat forests?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“Sir, we are dealing with grazing fees in the panchayat forests.”

Representation against the preservation of game in the neighbourhood of villages.

* 598 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the reasons for prohibiting shooting or hunting of wild animals except under certain conditions only; and

(b) whether the Government have received representations that this prohibition of game causes much havoc to the poor and helpless ryots in the neighbourhood and their cattle?

THE HON. SRI V. I. MUNISWAMI PILLAI:—“(a) & (b) The hon. Member evidently refers to the restrictions within reserved forests and lands. The prohibition or restriction is intended in the interests of protection of game. All enlightened Governments pay great attention to the preservation of game. Consistent with the need for protecting the game, facilities are available to the residents in the areas adjoining the forests to protect their person and property against the depredations of wild animals. Attention is in this connexion invited to a statement laid on the table of the Legislative Council in answer to Legislative Council question No. 74, dated 23rd March 1938.”

SRI K. CHANDRAMOULI:—“Are the Government aware that a prohibitive fee of Rs. 10 is charged if a man wants to shoot and hence the difficulty arises?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“He has to pay a small fee, Sir.”

SRI K. CHANDRAMOULI:—“Is it a fact that licence is granted to officials and people with some status and not to every one?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“It is given to those who are in need of protecting their crops.”

SRI K. CHANDRAMOULI:—“Are the Government aware that a deposit of Rs. 10 is very prohibitive?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“I am not in a position to answer that.”

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SRI G. RANGIAH NAYUDU:—"Are all the ryots granted licence to hold weapons to kill animals spoiling their crops?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"When the requisition is made the merits of the case are considered and the licences are granted."

SRI G. RANGIAH NAYUDU:—"What are the merits?"

THE HON. SRI V. I. MUNISWAMI PILLAI:—"Considerations as to whether he owns lands for cultivation and if he is a man who could manage to keep guns."

Capital of the United Breweries, Limited.

* 599 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state with reference to starred question No. 583, dated 30th March 1938, in respect of the United Breweries, Limited—

(a) whether the three breweries in this Province were started with foreign capital or with both foreign and Indian capital; and

(b) if the latter, what the proportion is?

THE HON. SRI V. I. MUNISWAMI PILLAI:—" (a) & (b) The United Breweries, Limited, was formed to amalgamate the three brewery companies which were already in existence in this Province, viz., the B.B. Brewery Company, the Nilgiris Brewery Company, and the Rose and Crown Brewery Company. The capital required for the purchase of these three companies was subscribed in India. The share-holders of the company are Europeans, Indians and Anglo-Indians. The percentage of the value of the shares held by them are as follows:—

	PER CENT.
Europeans	35.88
Indians	32.06
Anglo-Indians	26.36
Companies and trusts in India	5.70 "

Alleged misappropriations and irregularities in the co-operative societies and unions of the Conjeeveram taluk.

* 600 Q.—SRI P. S. SRINIVASA AYYAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government took any action on the audit reports and reports of enquiry under section 38 of co-operative societies and unions sent by auditors and inspectors with regard to items of misappropriations by presidents and secretaries of

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co-operative societies and unions in the Conjeeveram taluk in 1937 and, if so, the nature of the action taken, if any, with regard to the following:—

(i) the interim audit report of the Walajabad Agricultural Union for the year 1936–37, where delegation fees paid by the village societies of Elichur, Thammanur and Chinnuvakkam on 17th October 1936 are said to have been credited in the books of the union only on 31st March 1937 and thus "temporarily misappropriated";

(ii) the report of the senior auditor who conducted an enquiry under section 38 into the affairs of the Conjee Swamikannu Pillai Co-operative Society, where the president of the society is said to have realized a sum of Rs. 509–11–0 in claim No. 380 of 1931–32 but only Rs. 204–11–0 has been credited in the books of the society, and this action has been characterized by the auditor as "complete misappropriation" and where the president of the above society has also been said to have received Rs. 141–6–0 by making over a decree against one Mr. A. Srinivasachariar in claim No. 1956 of 1928–29 to one Mr. Singa Battar on 10th April 1933, but brought to account only on 3rd January 1935 and a sum of Rs. 35 is said to be still due to the society on account of this delayed bringing into account; and

(b) whether it is a fact—

(i) that the President of the Co-operative Land Mortgage Bank, Conjeeveram, drew a sum of Rs. 100 on 11th September 1934 by means of a cheque on the Co-operative Central Bank, when there was a cash balance of Rs. 209–11–0 on the same date according to the books of the bank;

(ii) that on the same day he paid Rs. 100 into the municipal treasury for election deposits for his candidature in municipal elections for two wards;

(iii) that he paid the same amount into the Co-operative Central Bank a week later with no entries or explanations in the books of the Land Mortgage Bank; and

(c) whether in view of the alleged irregularities and misappropriations mentioned above, the Government will order an immediate enquiry and take the necessary action?

THE HON. SRI V. V. GIRI:—"In reply to a similar question by the hon. Member in March last the Government stated that full investigation was being made and that a report on the results of the investigation would be placed on the table of the House. Now that the question has been repeated the following answers are furnished:—

"(a) (i) The allegation in regard to the delay in bringing the amount to account is true. The secretary of the union was prosecuted on a private complaint for temporary misappropriation but was discharged by the court as the prosecution could not prove that the delay was deliberate and that the secretary used the money for himself.

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“(ii) The amount of Rs. 509-11-0 represents collections by the court in execution proceedings taken against a defaulter and withdrawn from the court by the vakil and alleged to have been paid in full to the president of the society. Out of the total of Rs. 509-11-0 only a sum of Rs. 267-11-0 has been brought to the accounts of the society. The vakil has been unable to produce receipts for the full amount of Rs. 509-11-0 which he says he paid to the president. The question as to who is liable for the balance due to the society, whether the president or the vakil, is not yet settled. The president expects to have it settled through an arbitrator. In the meantime, he has paid the amount to the society.

“The amount of Rs. 141-6-0 represents the decreed amount due in respect of a loan. The president filed a satisfaction memorandum in October 1933 but credited the amount only on 3rd January 1935. It is said that at the time of filing the satisfaction memorandum no payment had been made, but that all the same the memorandum was filed on the promise of the surety that he would pay Rs. 140 within six months. It is explained that the president did this, as the borrower was a pauper and the surety a temple servant earning only a paltry sum. It would also appear that the surety eventually paid only Rs. 134 though a sum of Rs. 140 was brought to account. The whole transaction was obviously peculiar and unbusinesslike though the surety supports the president.

“(b) There is nothing to support the allegation that the sum of Rs. 100 drawn on the 11th September 1934 was for making election deposits. The records show that it was in connexion with the purchase of a new typewriting machine for the bank and that as the bank and the company could not agree on the price to be fixed for the old machine of the bank a new one was not purchased and the amount withdrawn from the bank was subsequently remitted back.

“(c) A personal enquiry has now been made by the Registrar. He is satisfied that no *mala fides* need be attributed to the president.”

SRI P. S. SRINIVASA AYYAR:—“May I know whether a new typewriter was purchased at all?”

THE HON. SRI V. V. GIRI:—“I have no information about it, Sir.”

SRI P. S. SRINIVASA AYYAR:—“Will the Hon. Minister call for the information, Sir?”

THE HON. SRI V. V. GIRI:—“Yes, Sir.”

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Prospects of mining and the undertaking of geological survey by the Provincial Government.

* 601 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government have considered the question of undertaking the geological survey of India instead of leaving it to the Central Government; and

(b) whether there are any mines in this Province worked by the Government or worked with the aid given by the Government?

THE HON. SRI V. V. GIRI:—“(a) Proposals for the employment of a mining geologist who will undertake an intensive survey of the mineral resources of this Province are under the consideration of Government.

“(b) The answer is in the negative.”

[After question No. 602 was called Sri G. Krishna Rao rose to put some supplementary question with reference to the answer to question No. 601.]

MR. SPEAKER:—“Hon. Members desiring to put supplementary questions must get up before the next question is called.”

Results of the investigation of the Kanjamalai iron ores.

* 602 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state the results obtained up till now by the investigation of Kanjamalai iron ores?

THE HON. SRI V. V. GIRI:—“The attention of the hon. Member is invited to paragraph 16 at pages 15 and 16 of the Report of the Department of Industries for the year ending 31st March 1938, which has been placed at the disposal of the Press. The final report referred to therein is under the consideration of Government.”

SRI K. V. R. SWAMI:—“Will the final report be made available?”

THE HON. SRI V. V. GIRI:—“In considering the final report this aspect also will be considered.”

Number of chairmen of municipal councils and presidents of district boards and panchayat boards removed from service for misappropriation of funds.

* 603 Q.—SRI V. VENKATASUBBAYYA: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of (1) municipal chairmen, (2) presidents of district boards and of panchayat boards removed from office since August 1937 for misappropriation of funds; and

(b) how many of them have been prosecuted for the offence?

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THE HON. SRI B. GOPALA REDDI :—“(a) No municipal chairman or president, district board, was removed from office for misappropriation of funds. Twenty-four presidents of panchayat boards were removed from office during the period from July 1937 to October 1938 for the above offence.

“(b) Sanction has been accorded by the Government to prosecute eleven out of the 24 presidents referred to in clause (a) above.”

Levy of tax, if any, on the import of playing cards.

* 604 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the quantity of playing cards imported into this Province; and

(b) whether there is any tax levied on playing cards imported into this Province as they are used for amusement, betting or gambling?

THE HON. SRI B. GOPALA REDDI :—“(a) According to the latest figures available (i.e., for the year 1937–38) playing cards worth Rs. 2.3 lakhs have been imported by sea into the Madras Province from foreign countries.

“(b) Playing cards are assessed to duty at 40 per cent *ad valorem* if imported from the United Kingdom and at 50 per cent *ad valorem* if imported from other countries.”

Legislative proposals, if any, for the reconstitution of panchayat boards.

* 605 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) how many new panchayat boards have been constituted under the present Government;

(b) how many major panchayat boards there are in the Province; and

(c) whether the Government contemplate the enactment of a separate legislation for the reconstitution of panchayats and if so, when?

THE HON. SRI B. GOPALA REDDI :—“(a) 256 panchayats.

“(b) The Government have classified panchayats with an annual income of Rs. 3,000 as major. There are 353 major panchayats.

“(c) The answer is in the affirmative. The proposal is under consideration.”

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Inadequacy of accommodation for the Muslim High School at Malappuram.

* 606 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that fifty students of the model school attached to the Training school at Malappuram had to be sent away for want of more divisions;

(b) whether the students concerned had not lost their education in the current year by reason of their being sent away some days after the re-opening of the school;

(c) whether there are any special reason or reasons for the Director of Public Instruction to withhold permission for opening new divisions in a school working efficiently and satisfactorily;

(d) whether the District Educational Officer and the authorities of the school have applied to the Government to open divisions;

(e) whether the Government have under consideration the question of constructing a new building for the Muslim High School;

(f) whether any allotment has been made in the budget for that purpose;

(g) whether the Government have made any arrangements for the hostel for the residential students in the Muslim High School and if so, what the expenditure incurred by the Government every month for the purpose is;

(h) how many students from outstations reside in the hostel;

(i) whether in the absence of a suitable building the hostel is now conducted in inconvenient buildings; and

(j) whether the Government propose to construct a suitable building for the hostel?

THE HON. SRI C. J. VARKEY :—“(a) No. Only 11 students could not be admitted.

“(b) The Government have no information. It is probable that some of the students secured admission into other schools.

“(c) The Director of Public Instruction did not consider it necessary to incur the expense of opening new divisions for the sake of a comparatively few pupils.

“(d) Government were not addressed, presumably for the reason given above.

“(e) Yes. Plans and estimates have been called for.

“(f) The answer is in the negative.

“(g) The hostel is held in a rented building; the expenditure incurred by Government is Rs. 40 a month.

“(h) 107.

“(i) The Government understand that the hostel building is not quite suitable.

“(j) The matter is under consideration.”

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SRI E. KANNAN :—“ May I know Sir, how the students other than these eleven students happened to be accommodated in this school when actually there was no accommodation for them there? ”

THE HON. SRI C. J. VARKEY :—“ A few students more were admitted into the school by squeezing them in.”

Number of Muslims among the candidates selected for training in the Wardha Scheme of Education.

* 607 Q.—K. ABDUR RAHMAN KHAN SAHIB BAHADUR : Will the Hon. the Minister for Education be pleased to state—

(a) whether any candidates have been selected for training in the Wardha Scheme of Education; and

(b) the number of Muslims among them?

THE HON. SRI C. J. VARKEY :—“ (a) Yes. Three officers of the Education department were deputed for a short course of training at Wardha.

“ (b) There is no Muslim among them. The selection of officers for training was not made on a communal basis. The basis of selection was the suitability of the officers to form the nucleus for a training school. One is a headmaster of a Government Training School and two are assistants in the Saidapet Teachers' College and these three were selected by the Director of Public Instruction.”

SRI K. V. R. SWAMI :—“ May I ask, Sir, whether three persons would be sufficient for the purpose.”

THE HON. SRI C. J. VARKEY :—“ It is relative.”

Further course of training to Secondary Grade Trained Teachers on their graduation.

* 608 Q.—SRI K. V. R. SWAMI : Will the Hon. the Minister for Education be pleased to state—

(a) whether the secondary grade teachers who have undergone training should undergo training again if they graduate themselves subsequently; and

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

THE HON. SRI C. J. VARKEY :—“ (a) Yes, if they want to be appointed to collegiate trained teachers' posts.

“ (b) The collegiate and secondary grade training are quite different and certain posts in secondary schools can only be held by graduates who have taken the L.T. or the B.Ed. degree.”

SRI K. V. R. SWAMI :—“ Is the training given to both the pupils the same, Sir? ”

THE HON. SRI C. J. VARKEY :—“ It is already stated, Sir, that they are entirely different.”

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UNSTARRED QUESTIONS.

Measures for the prevention of the abolition or supersession of panchayat boards.

160 Q.—SRI K. V. R. SWAMI : Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of Panchayat Boards abolished or superseded during last year other than those mentioned in the answer to question No. 535 answered on 28th March 1938;

(b) the reasons for the same; and

(c) the steps taken by the Government to prevent such abolition or supersession in future?

A.—(a) & (b) A statement^a is placed on the table of the House.

(c) Abolition or supersession is resorted to because of the panchayats' own default. Every opportunity is given to panchayats before they are superseded to rectify the defects noticed in the administration and advice is given to them then and there by the District Panchayat Officers and Assistant Panchayat Officers. It is only in very bad cases where there has been a persistent tendency to disobey the provisions of law or to abuse the powers vested in the boards that supersession proceedings are resorted to.

As for abolition the general policy that is followed is that when once panchayats are constituted they are not abolished except for very strong reasons. If the elections fail on account of local faction there is no other alternative but to abolish a panchayat. Abolition of panchayats is generally resorted to only when they do not function properly, when their administration comes to a deadlock or when they have a dormant existence on account of the local apathy of the villagers in the respective areas.

Quarrying earth and metal from Government porambores in the Coimbatore district.

161 Q.—SRI V. C. PALANISWAMI GOUNDAR : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the number of applications received, talukwar, in 1936-37 and 1937-38 from the local fund contractors of the Coimbatore district, requesting permits from the Revenue department for quarrying earth and metal from the Government porambores;

^a Printed as Appendix III on pages 120-122 infra.

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(b) the dates on which the applications were received and the dates on which they were disposed of by the Revenue authorities; and

(c) the number of cases in which the local fund contractors were fined by the Revenue department for having quarried metal from Government porambokes before the receipt of such permits?

A.—(a), (b) & (c) Two statements*, one for the year 1936-37 and the other for 1937-38 furnishing the information asked for, are laid on the table.

Reasons for the decline, if any, in the export trade in lungis.

162 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the value of the lungis exported in each of the last five years from this Province; and

(b) in case the export trade has gone down, the reasons for it?

A.—(a) & (b) Figures for lungis are not separately recorded in customs statistics. The following statement shows the exports of "Lungis and Sarees" from this Province:—

Year.	Value.
	RS.
1933-34	27,79,070
1934-35	33,46,724
1935-36	48,14,177
1936-37	61,25,758
1937-38	* 1,18,73,758

* Includes Rs. 50,23,444 to Burma, which is treated as a foreign country from April 1937.

As the figures show, the export trade has been increasing rather than decreasing.

Improvements to the Stanley Medical College recommended by the Madras University Inspectors.

163 Q.—SRI GRANDHI VENKATA REDDI: Will the Hon. the Minister for Public Health be pleased to state—

(a) what the recommendations are of the Madras University Inspectors for the improvement of the Stanley Medical College;

(b) whether the Government are prepared to meet the cost of such improvement; and

(c) if so, what the cost of such improvement is?

* Printed as Appendix IV on pages 123-126 infra.

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A.—(a) The chief recommendations of the Madras University Inspectors are

(1) that the staff appointed should be adequate and should possess at least the minimum qualification laid down by the University;

(2) that the laboratories should be adequately provided for; and

(3) that the additional buildings necessary should be completed and ready for occupation by March 1941.

(b) The answer is in the affirmative.

(c) The ultimate recurring extra expenditure on account of the conversion of the Stanley Medical School into a College is Rs. 64,200 per annum. As against this there is an eventual saving of Rs. 79,600 on account of the abolition of the Lady Willingdon Medical School for Women and an anticipated income of Rs. 46,600 per annum from the College students by way of fees. There is thus a net saving of Rs. 62,000 per annum.

A non-recurring expenditure of Rs. 3,84,000 has to be incurred on account of the improvements to the buildings, but on account of the abolition of the Lady Willingdon Medical School for Women, buildings, the value of which is estimated at Rs. 1,75,966, are available for sale or transfer to other departments. The net extra non-recurring expenditure is therefore Rs. 2,08,000 in round figures.

Number of Andhras sent for training to Wardha.

164 Q.—SRI GRANDHI VENKATA REDDI: Will the Hon. the Minister for Education be pleased to state how many Andhras have been sent for training to Wardha?

A.—Three officers of the Educational Department selected by the Director of Public Instruction have been sent to Wardha for a short course of training. There is no Andhra among them. One is a Headmaster of a Government Training School, and two are assistants in the Teachers' College, Saidapet. They were selected by the Director of Public Instruction. The basis of selection was the suitability of the officers to benefit by a course of training at Wardha, and the object was to get a good start for organizing a training school for the Wardha system. It was no occasion for linguistic or communal distribution.

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Amount of interest wiped off or scaled down under petitions filed under the Madras Agriculturists Debt Relief Act.

165 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Minister for Agriculture and Rural Development be pleased to lay on the table of the House a statement showing—

(a) the number of petitions filed up to date under the Agriculturists Debt Relief Act before civil courts in the Province of Madras by parties for wiping off all interest outstanding from 1927 to 1937;

(b) the amount of interest so wiped off;

(c) the number of petitions likewise filed for scaling down of interest in respect of debts; and

(d) the amount of interest so scaled down?

A.—(a), (b), (c) & (d) The attention of the hon. Member is invited to the Press Communiqué, dated 19th July 1938 and 16th November 1938, copies of which have been placed in the Assembly Library.

Educational concessions to Harijan students in the Kurnool district.

166 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Education be pleased to state—

(a) how many high schools in Kurnool district have exempted Harijans from paying school fees;

(b) what the total number is of students that were admitted this year in the Municipal High School, Kurnool, from Harijan community; and how many were rejected on the ground that there was no seat; and

(c) how many of these pupils have been given scholarships and how many have been given concessions?

A.—(a) Two high schools.

(b) The answer to the first part is “four” and to the second “none.”

(c) None of the Harijan pupils have been awarded scholarships; all of them have been allowed fee concessions.

Pupils recommended for scholarships from the Secondary Schools in Kurnool district.

167 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Education be pleased to state the names of scholarships that are now given and the names of boys whom headmasters had recommended this year for such scholarships schoolwar in the Secondary Schools in Kurnool district?

A.—A statement * giving the necessary information is laid on the table.

* Printed as Appendix V on pages 127–128 infra.

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Assignment of poramboke lands to Harijans.

168 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Revenue be pleased to state—

(a) the number of acres of poramboke lands granted to Harijans for cultivation during the last three years in the whole of the Presidency and particularly in Kurnool district;

(b) the number of acres of land granted for house-sites to Harijans during the same period; and

(c) whether it is a fact that the poramboke lands are auctioned whenever Harijans apply for them?

A.—(a) The extent of land assigned to Harijans up to the end of each of the last three years is as follows:—

Year.		Presidency.	Kurnool.
		ACS.	ACS.
1935–36	..	4,01,266.42	28,811.72
1936–37	..	4,28,023.40	41,189.69
1937–38	..	4,17,794.84	29,285.45

Government have no information as to how much of this land was originally poramboke.

(b) The extent of land granted for house-sites to Harijans during the last three years is as follows:—

Year.		Extent of house-sites provided by assignment of Government lands.		Extent of house-sites provided by acquisition by the Labour department.	
		Presidency.	Kurnool.	Presidency.	Kurnool.
		ACS.	ACS.	ACS.	ACS.
1935–36	..	166.49	Nil.	12.05	Nil.
1936–37	..	131.95	Nil.	17.28	Nil.
1937–38	..	190.02	Nil.	81.09	2.29

(c) The Government have no reason to believe that the facts are as suggested in the question.

Garden produce of central jails.

169 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(a) what the net income from garden produce for each central jail is in each of the last 5 years; and

(b) the nature of the vegetables raised in each such jail?

A.—(a) & (b) A statement * is laid on the table.

* Printed as Appendix VI on pages 129–132 infra.

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Working of the Madras Co-operative Central Land Mortgage Bank, Limited.

170 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) what the total capital of the Madras Co-operative Central Land Mortgage Bank, Limited, was on 31st July 1938;

(b) the several items which constitute the working capital—the value of share capital, amounts borrowed on debentures guaranteed by Government and sinking fund;

(c) what the assets of the bank were on 31st July 1938;

(d) the rates at which moneys were ordinarily borrowed;

(e) the rates at which moneys were lent out;

(f) the amount lent out in each of the last 5 years and the amount collected during each of such years; and

(g) the dividends paid to the share-holders during each of the last five years?

A.—(a) & (b)—The working capital of the bank on 31st July 1938 was Rs. 1,53,66,361.

It consisted of—

	RS.
(i) Share capital of	6,76,600
(ii) Reserve fund of	1,35,618
(iii) deposits and borrowings which may be classified as follows :—	

	RS.
(a) Loan on fixed deposit from Indian Bank ..	95,000
(b) Debenture deposits.	10,37,000
(c) Time deposits ..	1,000
(d) Loan deposits ..	18,716
(e) Employees provident fund	4,305
(f) Reserve fund of primary Land Mortgage Banks	1,10,284
(g) Debentures ..	1,27,77,200
(h) Overdrafts	5,10,638

Moneys in the sinking fund do not form part of the working capital.

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(c) The assets of the bank were—

	RS.
Loans to primary Land Mortgage Banks.	1,44,10,029
General investments —	
(i) G.P. Notes	6,26,974
(ii) Fixed deposits	1,00,000
(iii) Shares in Reserve Bank of India.	500
(iv) Shares in Co-operative Central Printing Works	10
Debenture redemption fund investments —	
Current account—Madras Provincial Co-operative Bank	4,684
G.P. Notes	1,81,002
Reserve fund investments—	
G.P. Notes	1,34,220
Account in Madras Provincial Co-operative Bank	1,398
Cash in current account—	
Imperial Bank of India, Mount Road ..	1,269
Bombay Provincial Co-operative Bank.	743
Employees provident fund advances ..	345
Total assets ..	1,54,61,174

(d) Money was borrowed at 4 per cent, 3½ per cent and 3 per cent. The present rate is 3 per cent.

(e) Loans were given at 5 per cent, 4½ per cent and 4 per cent. The present rate is 4½ per cent.

(f)

Year.	Amount lent.	Amount collected.
	RS.	RS.
1933-34	14,77,635	1,88,234
1934-35	20,00,161	2,77,870
1935-36	31,96,490	4,34,685
1936-37	39,18,115	4,98,378
1937-38	35,79,185	7,85,294

(g) Dividend was paid at the following rates :—

	PER CENT.
1933-34	6
1934-35	6
1935-36	6
1936-37	5
1937-38	4

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Inadequacy of accommodation in the Government Hobart Secondary School and proposals, if any, for opening Secondary Schools for Muslim girls in other centres of Muslim population.

171 Q.—MRS. KHADIJA YAKUB HASAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the accommodation in the Government Hobart Muslim School is not enough to meet the demand for increased admissions in the secondary classes;

(b) whether the Government have considered the demand of the Muslim public for the establishment of a secondary school for Muslim girls in Georgetown, in Kurnool, in the Ceded districts, in Malabar and at other large centres of Muslim population; and

(c) if so, what the decision they have arrived at in the matter is?

A.—(a) Accommodation is said to be insufficient for certain classes in the school.

(b) & (c) Yes. So far as Georgetown is concerned, the Government considered that the provision should be made by a private agency; in regard to other centres, the hon. Member is referred to paragraph 15 of G.O. No. 1371, Education, dated the 1st June 1934, which has been placed at the disposal of the Press.

Inadequacy of hostel accommodation in the Government Hobart Secondary and Training School, Royapettah.

172 Q.—MRS. KHADIJA YAKUB HASAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government are aware that the hostel accommodation in the Government Hobart Secondary and Training School is not adequate; and

(b) what steps the Government have taken or propose to take in the matter?

A.—(a) Yes.

(b) Proposals for extending the hostel accommodation are under consideration.

Scholarships to Muslim girl students.

173 Q.—MRS. KHADIJA YAKUB HASAN: Will the Hon. the Minister for Education be pleased to state how many scholarships were granted to Muslim girl students in the year 1937–38 for pursuing collegiate, technical, medical, and other courses of studies?

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A.—The following scholarships and stipends were given to Muslim girl students during 1937–38:—

Collegiate.—Two scholarships in the Junior Intermediate class of the Queen Mary's College, Madras.

Technical.—Three scholarships for the study of needle work and dress making in the Government Hobart Secondary and Training School, Royapettah, and

Medical.—One stipend in the second year class and another in the fifth year class in the Lady Willingdon Medical School for Women.

Ameliorative measures adopted by the Government to help the cultivation of the lands assigned to the depressed classes in the Kurnool and Cuddapah districts in 1937–38.

174 Q.—DR. M. J. SAMUEL: Will the Hon. the Minister for Revenue be pleased to state—

(a) how many acres of land have been assigned to the depressed classes in Kurnool and Cuddapah districts for cultivation during the years 1937–38;

(b) what ameliorative measures have been undertaken to enable the depressed classes to cultivate the said lands; and

(c) whether it has come to the notice of the Government that they are penalized for engaging the ryots to cultivate such lands?

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

Export and utilization of scrap iron.

175 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the quantity of scrap iron that was sent out of the Province in each of the last 10 years;

(b) whether any portion of it is used in this Province; and

(c) if so, how much was used during the same period?

A.—(a) The following statement shows the exports of scrap iron from this Province during the ten years ending 1937–38:—

	TONS.
1928–29	10,714
1929–30	3,350
1930–31	...
1931–32	...
1932–33	6,164
1933–34	18,888

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	TONS.
1934-35	8,501
1935-36	11,057
1936-37	27,720
1937-38	11,040

(b) & (c) Information is not available.

Particulars of works sanctioned under the Rural Water-supply Scheme.

176 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of works sanctioned during the current year under the Rural Water-supply Scheme; and

(b) where they are situated?

A.—(a) & (b) The list ^a of villages selected for well works during the current year is laid on the table. Collectors have been asked to provide wells in these places in the order of urgency.

Allotment of work to convicts sentenced to hard labour.

177 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(a) the number of convicts sentenced to hard labour in each jail last year;

(b) how many of them were given any work during the year; and

(c) whether it is a fact that many of them were without work as the authorities could find no work for them?

A.—(a) The number of convicts sentenced to rigorous imprisonment and confined in each jail during 1937 was as follows:—

Central Jail, Rajahmundry	3,827
Do. Vellore	4,249
Do. Trichinopoly	3,731
Do. Coimbatore	5,289
The Penitentiary, Madras	2,359
Central Jail, Cannanore	2,042
Do. Salem	1,516
Do. Bellary	2,510
Do. Vizagapatam	978
District Jail, Cuddalore	1,444
Do. Madura	3,014
Wellesley Sanatorium Jail, Bellary ..	250
Presidency Jail for Women, Vellore ..	771

(b) All except those who were physically unfit to work were given work throughout the year.

(c) The answer is in the negative.

^a Printed as Appendix VII on pages 133-151 infra.

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Wet cultivation and facilities therefor.

178 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the extent of wet cultivation in each district; and

(b) the number and nature of irrigation sources in each such district?

A.—(a) The attention of the hon. Member is invited to Appendices III and IV in the Season and Crop report, and to statement No. 4 in the Jamabandi report. The reports are published every year for general information and the latest reports available are for 1936-37. The Season and Crop report is available in the Secretariat Library. The Jamabandi report was recorded in G.O. No. 1474, Revenue, dated 8th June 1938, which has been placed at the disposal of the Press.

(b) The attention of the hon. Member is invited to Appendix V in the Season and Crop report.

Libraries, if any, managed by local bodies.

179 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Education be pleased to state—

(a) whether any local bodies run libraries of their own; and

(b) if so, how many such libraries exist at present and where?

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

(b) On the 31st March 1937 there were 842 libraries under local bodies including panchayats. Information as to the places where these libraries exist is not available.

Expenditure on account of libraries.

180 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Education be pleased to state—

(a) the amount spent on libraries outside Madras City during each of the last ten years; and

(b) the amounts spent in the City of Madras during the same period?

A.—(a) & (b) The hon. Member is referred to the paragraph headed "Libraries" in the annual report on Public Instruction in the Presidency, which gives figures of the expenditure incurred on libraries from Provincial funds and other sources. Separate figures for the Madras City and the mufassal are not available.

[17th January 1939]

Proposals for the establishment of a School of Fisheries and Navigation at Tuticorin.

181 Q.—MR. J. L. P. ROCHE VICTORIA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the Government have come to any decision regarding the question of starting a Fisheries and Navigation School at Tuticorin;

(b) whether the Government propose to include the scheme in the Budget for 1939-40;

(c) whether it is a fact that a Tuticorin Committee which considered the scheme has already offered several scholarships to students; and

(d) whether the Government have accepted these offers of financial help?

A.—(a) & (b) The Government have decided to defer for the present the proposal to open a Fisheries Technological Institute at Tuticorin.

(c) The answer is in the affirmative.

(d) The question does not arise in view of the answer to clauses (a) and (b).

Re-employment in the Police department of Excise sub-inspectors discharged from service on introduction of prohibition.

182 Q.—SRI KALLUR SUBBA RAO: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) how many sub-inspectors—probationers and approved probationers—of the Excise department in the Bellary sub-division have been thrown out of employment on account of the introduction of prohibition in Cuddapah and Chittoor districts;

(b) whether any of those sub-inspectors discharged from service applied for Police sub-inspectors' selections, as ordered by the Commissioner of Excise in Board's Memorandum C.R. No. 9023 Abk., dated 28th June 1938;

(c) whether any and if so, how many of such Excise sub-inspectors in Bellary sub-division were selected for Police sub-inspectors' posts; if not, why they were not selected and why outsiders were preferred to the discharged Excise sub-inspectors;

(d) whether any of the acting Excise sub-inspectors in Bellary sub-division were given prohibition training and appointed in the prohibition districts of Cuddapah and Chittoor; what the criterion for selecting candidates for the prohibition training from the Excise department was; and

(e) whether any efforts are being made for the early employment of such of the Excise sub-inspectors who have been discharged from service, in other departments?

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A.—(a) A report has been called for.

(b) The Government have no information but it is probable.

(c) No sub-inspector was selected from the Bellary sub-division for appointment as Police sub-inspector. Presumably the selecting authorities found among the discharged probationers others more suitable for appointment as sub-inspectors of Police.

(d) Two sub-inspectors of Excise were ordered to be given training in prohibition work in the Salem district for a period of six weeks and were then posted for work with the District Intelligence Bureau in the Chittoor and Cuddapah districts for a period of six months. The Government are unable to give information as regards the sub-division from which they were selected or the criterion on which the selection was made.

(e) The attention of the hon. Member is invited to the detailed answer to clause (e) of unstarred question No. 148.

Proposal to abolish the Hindu Religious Endowments Board and to vest in the Collector the management of temples, etc.

183 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government propose to vest in the Collector the management of temples, etc., as it was before the formation of the Temple Committee; and

(b) whether the Government propose to abolish the Hindu Religious Endowments Board on grounds of economy and mainly for the reason that they have practically no work?

A.—(a) The answer is in the negative.

(b) The proposal to repeal and re-enact the present Hindu Religious Endowments Act is under consideration of the Government.

Measures to enforce the employment of qualified men as cinema operators.

184 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Law be pleased to state whether the Government propose to bring in measures requiring the cinema house owners to employ only qualified men as operators?

A.—The answer is in the negative.

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Decision of Government, if any, on the question of abolition of district boards.

185 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have received the resolution of the Salem District Board favouring the abolition of the district boards as they were considered to be superfluous after the introduction of Provincial Autonomy;

(b) whether the Government have examined the implications of the resolution; and

(c) whether the Government have come to any decision on the subject?

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

(c) The Government do not propose to accept the suggestion contained in the resolution.

Proposal either to levy tax on the income derived from cross-word puzzle or to prohibit the running of it.

186 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Law be pleased to state whether the Government propose to levy a compounded rate as tax on the income derived from out of the cross-word competitions or whether they propose to ban the running of the puzzles?

A.—There is no proposal to levy any tax on the income derived from cross-word competitions. The Government have under consideration the question of declaring certain kinds of cross-word puzzle competitions illegal.

Publication of Mr. S. Guruswami's reports on continental labour problems.

187 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government had received reports from Mr. S. Guruswami who was deputed to study labour problems on the Continent; and

(b) whether the report will be made available to the Members?

A.—(a) The answer is in the negative.

(b) Does not arise.

[17th January 1939]

Proposal for legislation on labour problems.

188 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government contemplate the introduction of a Bill called the Labour Bill for the Presidency; and

(b) whether a conference of capitalists and labour representatives was convened and discussions followed?

A.—(a) The question of labour legislation is still under consideration. No decisions have yet been come to.

(b) The answer is in the affirmative.

Legislation to control money-lenders.

189 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state whether the Government have any intention to bring in a Legislative measure making it compulsory for every money-lender to take a licence besides providing for a careful watch over the activities of the licensed money-lenders?

A.—The matter is under consideration.

Proposal to modify the present system of land revenue collection.

190 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Revenue be pleased to state whether the Government have any intention to modify the present system of collection of land revenue?

A.—The matter is being examined in connection with the Land Revenue policy of the Government.

Legislation to regulate the hours of work, payment of wages, etc., for men employed under private limited companies.

191 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government propose to bring in any measures to regulate the hours of work and regular payment of wages, etc., for men employed under private limited companies such as transport companies, etc.?

A.—The answer is in the negative.

[17th January 1939]

Applicability of section 22 of the Agriculturists' Debt Relief Act to attachment of cash deposits.

192 Q.—DR. M. J. SAMUEL: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the number of petitions, districtwar, in which the 'agriculturist' petitioners prayed for relief under section 22 of the Agriculturists' Debt Relief Act, when the petitioners' cash deposits were attached; and

(b) how many of such petitions were dismissed on the ground that section 22 of the Agriculturists' Debt Relief Act does not apply to cash attachments?

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

Statistics regarding the debentures of the Central Land Mortgage Bank in circulation at the end of 1937–38.

193 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state in respect of the Central Land Mortgage Bank—

(a) the total amount of debentures in circulation at the end of 1937–38;

(b) the rates of interest these debentures bear—the lowest and the highest; and

(c) the net profit earned by these debentures?

A.—(a) Rupees 1,31,85,700.

(b) 3, 3½ or 4 per cent.

(c) The question is not clear.

Statistics regarding the Madras Provincial Handloom Weavers' Co-operative Societies for the year 1937–38.

194 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state in respect of the Madras Provincial Handloom Weavers' Co-operative Societies at the end of 1937–38—

(a) the number of such societies;

(b) the membership of the societies; and

(c) the amount of loans given during the year?

A.—(a) Ninety-six weavers' societies were affiliated to the Madras Handloom Weavers' Provincial Co-operative Society, Limited.

(b) The Government have no information.

(c) A sum of Rs. 47,633 was disbursed by the Provincial Society during 1937–38.

[17th January 1939]

Statistics regarding the number of and the total amount spent on personal assistants to the several officers in the Presidency.

195 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the number of personal assistants working under District Collectors and others; and

(b) the total amount of salaries and personal allowances paid to them?

A.—(a) & (b) The Collectors of Madura, Malabar, Salem, Tanjore and Vizagapatam have each a Personal Assistant. The officers posted as Personal Assistants draw the pay admissible to them in the I.C.S. or in the Madras Civil Service (Executive Branch) as the case may be and are not in receipt of any special pay or allowance in addition.

The Inspector-General of Registration has a Personal Assistant of the grade of District Registrar who is entitled to the Madras house allowance under the Madras House Allowance Scheme in addition to his pay as District Registrar.

Representation against the continuance of the present Labour Officer in Malabar.

196 Q.—SRI E. KANNAN: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government have received any representation from Malabar that it is not desirable to continue the present Labour Officer; and

(b) if so, what had been done in the matter?

A.—(a) Yes.

(b) The question is under consideration.

III.—MOTION UNDER RULE 17 OF THE MADRAS LEGISLATIVE ASSEMBLY RULES.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, before taking up the next item of business on the agenda I crave your permission to move—

'that rule 17 of the Madras Legislative Assembly Rules be suspended and the House do resolve to transact Government business on Wednesday the 18th January 1939.'"

The motion was put and carried.

[17th January 1939]

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

MR. SPEAKER:—"The Madras Public Health Bill will now be considered."

* SRI G. KRISHNA RAO:—"Is the general discussion on the Bill to be continued to-day?"

MR. SPEAKER:—"The general discussion has been finished and the motion for consideration has been passed by the House."

* SRI G. KRISHNA RAO:—"In the agenda it is said, 'Continued'."

MR. SPEAKER:—"It is the actual consideration of the Bill itself."

* SRI G. KRISHNA RAO:—"The Bill as amended by the Select Committee has to be discussed?"

MR. SPEAKER:—"Yes."

* SRI G. KRISHNA RAO:—"The other day some members took part in the general discussion on the Report of the Select Committee. And, to-day a larger opportunity should be given to this House to speak on the Bill as reported by the Select Committee."

MR. SPEAKER:—"All amendments to the Madras Public Health Bill will now be considered by this House."

* SRI G. KRISHNA RAO:—"You have not come to the stage of considering amendments."

MR. SPEAKER:—"Why?"

* SRI G. KRISHNA RAO:—"We may discuss the Bill."

MR. SPEAKER:—"What is the difficulty?"

* SRI G. KRISHNA RAO:—"There is no difficulty, Sir. But the thing is that I want to know if the discussion will be continued if any member has to say anything about it generally."

MR. SPEAKER:—"The discussion on the Report of the Select Committee was finished on the last occasion."

* SRI G. KRISHNA RAO:—"In the agenda it is said that it is going to be continued."

MR. SPEAKER:—"There is no longer to be any general discussion. The discussion was finished and the House has passed on to the stage of the detailed consideration of the Bill clause by clause. We are now in the stage of considering the amendments. We shall take the amendments clause by clause."

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Clause 1.

Sub-clause (1).

* THE HON. DR. T. S. S. RAJAN:—"I beg to move—
'In line 2, for the figure "1938" substitute the figure "1939".'

The amendment was put and carried.

Sub-clause (2).

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, I beg to move—

'In lines 1 and 2, after the words "Province of Madras", add the words "except the City of Madras".'

"Sir, in moving this amendment I have every reason to believe that I am doing it not with the object of preventing the introduction of all the provisions of the Public Health Bill so far as the City of Madras is concerned, but in order to show that the provisions of the Public Health Bill are already there in the City Municipal Act; not only that, most of the important provisions of that Bill are actually in vogue and have been practised in the City for a long time.

"Sir, the hon. House is aware that so far as the City of Madras is concerned, it has been managed by a Corporation for nearly a century, and that it is a local self-governing institution. And, now, if a big city like this which is managed by an autonomous Corporation is to be brought under the purview of this Act, it means interference with the autonomy of that body from outside. I do admit that there are occasions when the help of the Government is sought financially and otherwise and there are occasions when the City Corporation consults the experts of the Government in various matters. But, as you are aware, the City Corporation has been functioning to the best of its ability so far as public health is concerned. There is nothing to show that the provisions in this Bill are new and that when they are brought into force the complexion of the City will be changed so far as public health is concerned. As it is, the City Corporation has been spending a large proportion of its revenues on public health matters. Out of a revenue of Rs. 68,00,000 or Rs. 70,00,000 per year, we have been spending not less than Rs. 35,00,000 on public health alone. As a matter of fact, the Bill provides only for a third of the revenue of a municipality being spent on public health matters, whereas in the City we have been spending more than half of our revenues on public health. And then, there will be many difficulties if this Bill is sought to be enforced in the City after it is passed into law. First of all, it should be remembered that the Corporation is not only an autonomous body; it is a premier municipal Corporation whose independence and authority should in no manner be interfered with by the Government.

[Abdul Hameed Khan Sahib Bahadur] [17th January 1939]

As it is, there is a very strong public opinion in the Province that ever since this party came into office it has been trying its best to take away the power from the local bodies; and, if it is sought to take away, even from the premier municipal body of the Province, the Corporation of the City of Madras, a major portion of the activities under its control, it would mean, Sir, an undue and unnecessary interference with the autonomous position of a premier local body.

“ Sir, it must be remembered that this Corporation is administered by three independent, but at the same time co-ordinated, authorities: there is the Council of the Corporation; then there is the Commissioner of the Corporation, and lastly we have got four or five standing committees which are not found in any other municipality. One of the committees, the Standing Committee on Public Health is there to look after the public health interests of the City, in addition to the Health Officer, the Commissioner of the Corporation, the Special Works Engineer who is in charge of special works and drainage, and numerous other officers of the Corporation who are directly or indirectly looking after the public health of the City of Madras. When we have got so many authorities, so many heads of departments, to look after the public health of the City, I do not see, Sir, what useful purpose is served, what advantage is derived, if the entire functioning of this branch of activity of the Corporation is to be taken out of the hands of so many authorities and concentrated in the hands of one person, the Health Officer, who is now a subordinate of the Commissioner, a subordinate of the Council and a subordinate of the Standing Committee so far as the policy is concerned and so far as the actual working of the department is concerned. And that gentleman is not only to be superior in many matters to the executive authority of the Corporation or the Council or the Standing Committee, but he will have to be, and he will become, the subordinate of an outside authority, viz., the Director of Public Health. But, we are jealous of our own power; we are jealous of our own rights. Therefore, the City Corporation cannot tolerate any undue interference in this manner by the Government taking out one of its officers, viz., the Health Officer, in most respects from the control and influence of the Commissioner, the Council and the Standing Committee, and placing him in the hands of an outside officer, viz., the Director of Public Health. That state of affairs will not only be derogatory to the position of the officer concerned, but even in the working of the Act there will be many difficulties which will be felt only after the Act becomes operative in the City. If this Bill is passed into law, it is going to be innocuous or, if it is going to be vigorously applied, it is going to be detrimental to the interests of the Corporation of Madras. Therefore, I believe, for various reasons, the City should be excluded from the purview of this Bill.”

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* SRI G. KRISHNA RAO:—“ I second the amendment.”

* THE HON. DR. T. S. S. RAJAN:—“ Sir, at the outset, I would make a clear statement of the position of the Government with reference to this amendment, so that reference to the very same amendment in the subsequent clauses of the Bill may be avoided.

“ First of all I am thankful to the hon. the Mover of the amendment for giving me the information that we have got an excellent Corporation in Madras, beautifully administered and that it is very jealous of interference by outside people. I certainly congratulate the hon. Member and the Corporation on the success that he claims for it. I would, however, like to point out one fact to the hon. Member and to the House generally, viz., that Madras City is still a part of the Province of Madras, and hence it is under this Government, and that therefore it cannot be singled out and given powers which the other municipal bodies in the Presidency do not enjoy. The Act is meant for the whole Province and no particular city or town, however well or beautifully it may be administered, can claim exception. The Act is applicable to the whole Province and therefore any argument that the City of Madras alone should be exempted cannot be accepted.

“ The second thing is that Madras being the premier City and being so well administered, there ought not to be any nervousness at the possibility of interference by an outside body. If, as it is claimed, the Corporation is very well administered, why should there be any objection to the provisions of this Act? The law under contemplation is meant for all people, just like the other enactments. Sir, is it open to all good people, law-abiding people, to say that the Criminal Law ought not to be there on the statute-book? If people put forward such arguments, it will be impossible to accept them. Your administration of the City may be all right, but you are part of a common organization; you cannot put forth the plea: ‘ I am doing things well. This law should not apply to me.’ That is neither logical nor constitutional.

“ Then, Sir, with regard to the feeling that there will be a good deal of interference hereafter, I would like to point out here and now that we have taken care to see that the provisions do not give room to unnecessary interference. We have purposely deleted many of the clauses which, as they stood in the Bill as introduced, were likely to cause such apprehensions. The hon. Member who sat on the Select Committee is aware how carefully we have re-drafted particular provisions so as to protect the independence of the Madras Corporation consistent with the scheme of the Act.

“ With regard to the powers exercisable by the Director of Public Health, there ought to be no objection for the Madras Corporation, to be under the control of that Presidency officer in regard to public health matters. To say that such an officer should have no control over your public health activities is a position

[Dr. T. S. S. Rajan] [17th January 1939]

which I cannot accept. I am not able to understand such a proposition. It is, in fact, anomalous to say that the head of the public health administration in the Presidency should not have anything to do with measures regarding public health in the City of Madras. There may be many questions in regard to which the Director of Public Health will have to interfere. His interference may not be necessary for the protection of the health of the citizens of Madras, but, for the sake of the rest of the people of the Presidency, his interference may be necessary. For their sake at least he must be given some control over public health matters, particularly, when there are epidemics and the danger of the spread of the same. Being the capital of the Province, your City attracts large numbers of people from the mufassal for so many different purposes: for trade, for *tamasha*, for administrative and legal work, people from the mufassal come to Madras. If your City is clean and healthy, well and good; but if it is not, and if it happens that an epidemic is prevailing here, will not the public be exposed to it and will not the Director of Public Health have to step in and impose certain restrictions for your protection as well as for the protection of the people visiting the City? To argue therefore that this City is an autonomous unit in a big Province and that therefore there should be no interference by the Director of Public Health, is not proper. Our first and foremost idea in enacting this measure is to improve the public health administration of the whole Province in the interests of the people of the whole Province.

"I am sorry, therefore, I am not able to accept this amendment. I have made my point clear. I trust that I would not have to repeat this statement in regard to the same amendment coming up later."

The amendment was put and lost.

Clause 1 as amended was put and carried.

Clause 2 was put and carried.

Clause 3.

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

'Renumber the sub-clauses of this clause in the numerical order.'

This is only a mere drafting amendment."

The amendment was put and carried.

Sub-clause (1).

* H. S. HUSSAIN SAHIB BAHADUR:—"Mr. Speaker, I move—

'In line 1 of item (a), between the words "latrine," and "shed," insert the word "godown,"'

"I want, Sir, that this word should be inserted in this item, because we have got so many godowns in which goods are stored.

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Some of these goods such as raw hides and skins are really goods which make the place insanitary. Oil and other things are also stored in godowns. Therefore I think that the word 'godown' also should be added."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment to add the word 'godown.'"

The amendment was put and carried.

* SRI DIWAN BAHADUR A. APFADURAI PILLAI:—"Sir, I beg to move—

'In lines 2 and 3 of item (a), omit the word "wall" and the succeeding words in brackets.'

I find that this definition has been taken from the Local Boards Act and the City Municipal Act. I do not know why a wall should be considered a building. If it is the intention of the Legislature that an enclosure should be considered as building, I must say that there is no object in excluding walls which are less than 8 feet in height. Only walls that are more than 8 feet high are to be considered as buildings. That seems to be meaningless. If it is the intention of the Legislature to include an enclosure under the definition of 'building,' it can as well say, 'an enclosure made of wood, mud, brick' and so on. 'Wall' seems to be out of place in a definition relating to 'building.' I therefore appeal to the Hon. the Mover of the Bill to consent to the deletion of the term 'wall' and the succeeding words in brackets regarding the height of the wall."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"If the hon. Member has got no doubt in his mind as to what a wall means, there is no confusion. The definition has been exactly copied from the previous Act. I therefore am unable to accept the amendment."

The amendment was put and lost.

Sub-clause (1) (c).

* H. S. HUSSAIN SAHIB BAHADUR:—"I beg to move—

'Omit the words "used for human habitation" occurring at the end.'

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p.m.

"Sir, I think the words 'used for human habitation' are unnecessary. If those words are retained there, then it would mean that 'vessel,' etc., which are not used for human habitation but which are used for cargo or cattle may not come under this clause. I do not think there is any necessity for explaining the purpose for which the ships are used. If we do so, it would restrict the application of the term 'building' to certain kinds of vessels only. I therefore move that those words be deleted."

The amendment was duly seconded.

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* THE HON. DR. T. S. S. RAJAN :—“ If we take out the words ‘ used for human habitation,’ then any vessel even if it is merely kept without being occupied by anybody, would come under this clause. We have no quarrel with any kind of ship in so far as the owner of such ship complies with the provisions of the Public Health Act. The idea of the Bill, as I said, is to bring under the control of the public health authority all those places where human beings congregate in large numbers. That is all. Therefore I cannot accept the amendment.”

The amendment was put and lost.

Sub-clause (2).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI :—“ I beg to move—

‘ In line 2, insert the word “ bullocks ” after the word “ bulls ”.’

“ I think this is a very simple amendment. I simply want that bullocks also should be included under this definition.”

ABDUL HAMEED KHAN SAHIB BAHADUR :—“ I second it.”

* THE HON. DR. T. S. S. RAJAN :—“ I accept the amendment.”

The amendment was put and carried.

Sub-clause (3) (a).

* H. S. HUSSAIN SAHIB BAHADUR :—“ I beg to move—

‘ In line 5 after the word “ curds ”, insert the word “ buttermilk ”.’

“ My experience is that buttermilk is different from curds. Therefore, in order to bring buttermilk under the scope of this definition I want that the word ‘ buttermilk ’ should be inserted after the word ‘ curds ’ in line 5 of this sub-clause.”

ABDUL HAMEED KHAN SAHIB BAHADUR :—“ I second it.”

* THE HON. DR. T. S. S. RAJAN :—“ I accept the amendment.”

The amendment was put and carried.

Sub-clause (3) (b).

* H. S. HUSSAIN SAHIB BAHADUR :—“ I beg to move—

‘ In line 2, after the word “ milk ”, insert the words “ or any of its products or both ”.’

I wish to move this amendment with a view simply to make the definition complete.”

The amendment was duly seconded.

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* H. S. HUSSAIN SAHIB BAHADUR :—“ In this connexion, may I, with your permission, Sir, move amendment No. 11 on the printed list? ”

MR. SPEAKER :—“ Do you want to make a speech on all your amendments? ”

* H. S. HUSSAIN SAHIB BAHADUR :—“ The meaning of the clause as it stands is not quite clear. Clause (3) (b) says ‘ in relation to a dairyman who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk,’ etc., etc. The intention of this sub-clause seems to be to make the word ‘ dairy ’ include all the places in which milk is kept in vessels. It is not the place where he keeps the vessels that is important, but it is the vessel that is being used for keeping milk and its products that is important. Therefore my submission is that the whole sub-clause may be amended as I have proposed in my amendments.”

MR. SPEAKER :—“ We shall take those amendments in succession and deal with them. Do you want to make a speech on all the amendments? ”

* THE HON. SRI C. RAJAGOPALACHARIAR :—“ May I draw the attention of the hon. Member to the definition of ‘ milk ’ in sub-clause (21)? ”

* H. S. HUSSAIN SAHIB BAHADUR :—“ In view of the fact that the definition contained in sub-clause (21) includes any of the products of milk also, I beg to withdraw my amendment No. 10.”

The amendment was by leave withdrawn.

* H. S. HUSSAIN SAHIB BAHADUR :—“ I am not withdrawing amendments Nos. 11 and 12. I wish to move a portion of amendment No. 11 and amendment No. 12, viz. :—

‘ In line 3, omit the word “ the ” before the word “ vessels ” and between the words “ keeps ” and “ vessels ” insert the words “ milk in ”.’

‘ And omit line 4 and in its place substitute the words “ either for storage or for sale ”.’ ”

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR :—“ I second it.”

* THE HON. DR. T. S. S. RAJAN :—“ I am afraid I cannot accept the amendments, because the vessels that contain milk are very important, and if we leave the word ‘ vessels,’ there is absolutely no protection afforded. In any public health measure we cannot treat milk separately from milk-cans.”

Amendments Nos. 11 and 12 were put and lost.

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Sub-clause (4).

* H. S. HUSSAIN SAHIB BAHADUR:—"I beg to move—
'In line 2, omit the word "or".'

And

'In line 3, after the word "buttermilk", add the words
"or dried, sterilized or condensed milk".'

"I do not know if the sub-clause, as it stands at present, would include condensed and other classes of milk as outlined in my amendment. Therefore, I move my amendments."

The amendments were duly seconded.

MR. SPEAKER:—"Are these things not covered by sub-clause (21)?"

* H. S. HUSSAIN SAHIB BAHADUR:—"While this sub-clause seeks to include milk, buttermilk, etc., I do not know why we should eliminate the products of milk from the purview of this sub-clause."

4-4; p.m. * THE HON. SRI C. RAJAGOPALACHARIAR:—"I was just considering, Sir, whether in view of the definition of 'milk' in sub-clause (21), we might not omit all the words after the word 'milk,' as it will create some ambiguity if we keep some words and omit the rest."

* H. S. HUSSAIN SAHIB BAHADUR:—"If that is done I would withdraw my amendments."

The amendments were by leave withdrawn.

MR. SPEAKER:—"The Hon. Dr. Rajan will formally move an amendment to that effect."

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

'Substitute the following for sub-clause (4):—

"Dairyman" includes any person who sells milk or any other product of milk whether wholesale or by retail'."

MR. SPEAKER:—"Is it necessary to use the words 'or any other product of milk' in view of the definition in sub-clause (21)?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"To be on the safer side, Sir."

MR. SPEAKER:—"Where is the safer side? According to sub-clause (21), milk includes any other product of milk also. What is the meaning of moving an amendment like this to this sub-clause? I think the word 'milk' is quite sufficient and the rest may go. I think the Government may move an amendment in the following terms:—

" "Dairyman" includes any person who sells milk whether wholesale or by retail."

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* THE HON. DR. T. S. S. RAJAN:—"I will simply say, Sir, that a 'dairyman' includes any person who sells milk whether wholesale or by retail."

MR. SPEAKER:—"The amendment may be: 'Omit the words from "butter" to "buttermilk."'

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

'In lines 2 and 3 of sub-clause (4) omit the words beginning with the word "butter" and ending with the word "buttermilk."'

The amendment was put and carried.

Sub-clause (7).

SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I beg to move—

'In line 3, for the word "principally" substitute the word "partially."'

" ' Dwelling house ' is defined as a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connexion therewith. The word ' principally,' if it is allowed to stand there, may exclude a number of dwelling houses which are at present used as a school-house or a rural dispensary or a branch post office, with a front room devoted to such purposes while the back portion is inhabited by the men in charge. If the words used are ' principally for human habitation,' they will have the effect of excluding buildings such as those enumerated by me. It would therefore be better to use the words ' wholly or partially for human habitation.' "

SRI B. BHAKTAVATSALU NAYUDU:—"I second the amendment."

* THE HON. DR. T. S. S. RAJAN:—"If we introduce the word ' partially ' it will make the position much more limited than what is intended in the Act. We want to have a liberal interpretation put on the matter and therefore I cannot accept the amendment."

The amendment was put and lost.

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Mr. Speaker, I beg to move—

'Add the following at the end of sub-clause (7):—
"and includes any part of such building."'

"According to the definition 'dwelling house' means a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connexion therewith. I want to make the definition of a dwelling house more comprehensive so that it may include any part of a building which might be wholly or principally used for human habitation. If the building is

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wholly used for human habitation, then certainly it is a dwelling house. If it is principally used for human habitation, then also it is a dwelling house. But if any part of it is either wholly or principally used for human habitation, then that would be excluded from the present definition. I want to make the definition more perfect so that there may be no loophole in it. I move the amendment and request the Hon. the Minister to accept it."

* H. S. HUSSAIN SAHIB BAHADUR: "I second it."

* THE HON. DR. T. S. S. RAJAN: "I think, Sir, the amendment is absolutely superfluous. The hon. Member's amendment is unnecessary because the meaning is quite clear even without it."

The amendment was put and lost.

Sub-clause (8-A).

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Mr. Speaker, I beg to move—

'Omit sub-clause (8-A).'

"Sir, there is only one section where the term 'executive officer' is used and that is section 141. Under that section, the executive officer of a local authority or any member of the public health establishment not below the rank of a sanitary inspector can arrest offenders against certain sections of this Act. I fail to see why when a member of the public health establishment of the rank of sanitary inspector is empowered like that, the chairman or president of a municipality or a local board should not be empowered similarly. When we concede that the chairman of a municipality or president of a local board may be safely empowered in a similar fashion, I do not see any reason for retaining the term 'executive officer' in section 141. When we do away with the term in section 141, there is no necessity for the definition in sub-clause (8-A). Therefore I beg to move that sub-clause (8-A) be omitted."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I second the amendment."

* THE HON. DR. T. S. S. RAJAN:—"Sir, the definition is absolutely necessary. The term 'executive officer' has been used in the Act and therefore it is necessary to define it in the section dealing with definitions. It does not matter whether the executive officer is empowered or the sanitary inspector is empowered. The question is whether a definition of the term 'executive officer' is necessary. We have provided the definition and I cannot accept the amendment."

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Sir, it has been argued that the term 'executive officer' has been used and therefore the definition is necessary. I want to do away

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with the use of the words 'executive officer' in section 141 later on and there is no necessity for the definition in sub-clause (8-A)."

The amendment was put and lost.

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

'In sub-clause (9) as renumbered, in line 1, for the words "shall mean" substitute the word "means"; and in line 3, for the words "executive powers" substitute the words "general executive powers."'

"This is only a verbal amendment intended to make the sub-clause read better. There is nothing else in this amendment and I hope that it will be accepted."

The amendment was put and carried.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Mr. Speaker, I beg to move—

'In line 4 for the word "it" substitute the words "such authority."'

"You will find, Sir, that the term 'executive officer' is defined as 'the paid officer, if any, of the local authority who is vested with executive powers in the local area for which it is constituted under the Madras City Municipal Act . . .'. It is not clear to what the word 'it' refers. Whether it refers to the local area or the local authority, it is not clear. I would therefore, in order to make the definition clear replace the word 'it' by the words 'such authority.' In that case the definition will read as follows:—

'Executive officer shall mean the paid officer, if any, of the local authority who is vested with executive powers in the local area for which such authority is constituted under the Madras City Municipal Act . . .'

"The amendment is intended to make the meaning clear, because the reference there is to the authority and not to the area."

SRI B. BHAKTAVATSALU NAYUDU:—"I second it."

THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

Sub-clause (10).

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I beg to move—

'In item (b), add the following after the word 'dung':—

"and the refuse or useless or offensive material thrown out in consequence of any process of manufacture, industry or trade."'

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"If you will kindly peruse the definition in the sub-clause you will see that the thing to which I have referred is not found either in this sub-clause or in the other sub-clauses that follow. Sub-clause (25) defines 'offensive matter' as including 'filth' as defined in clause 10. And clause 10 does not deal with the matter which I have described. Item (31) which defines 'sewage' does not also refer to matters I have described here. I would therefore like this amendment to be accepted. The reason is there are several materials which are thrown out as a necessary result of manufacture, trade or industry. For instance, a lot of plantain fruit stems are thrown out. They are not putrefying matter; they are not to be classed under sewage. Similarly heaps of unused leaves are thrown out after the manufacture of *bidis*, cigars or cigarettes. Such leaves do not come under this definition. I would therefore urge that the amendment is necessary."

* SRI G. KRISHNA RAO:—"I second the amendment."

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment. I will only point out that this objection is amply met by the other definitions . . ."

MR. SPEAKER:—"Not necessary, when the amendment is accepted by the Government."

The amendment was put and carried.

Sub-clause (11).

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I beg to move—

5 p.m. (a) *In line 1, insert the words "consumed or" between the words "article" and "used."*

(b) *In line 5, insert the words "and colouring" between the words "flavouring" and "matter."*

"I say, Sir, that an article consumed by man for food, may not come under this definition. I would therefore suggest that the definition of 'food' should include an article consumed by man for food. I therefore want that my amendments should be accepted."

V. S. T. SHAIK MANSOOR THARAGANAR SAHIB BAHADUR:—"I second them."

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendments."

The amendments were put and carried.

Sub-clause (14).

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I beg to move—

"In line 1, insert the following words between the words "drain" and "actually":—

"whether constructed of masonry or otherwise."

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"The present definition is this: 'House drain' means any drain actually used or intended to be used for the drainage of one or more premises. When we come to the actual condition of the drains, there are several drains which are not constructed really of masonry or any substantial material. There are inlets and outlets wherein used water is allowed to soak. The present definition allows improperly constructed drains to escape the effects of law. I would therefore suggest that the words I have suggested should be included in the definition; I want to make the definition more comprehensive."

V. S. T. SHAIK MANSOOR THARAGANAR SAHIB BAHADUR:—"I second the amendment."

* THE HON. DR. T. S. S. RAJAN:—"The present definition includes the drains the hon. Member has in view and the amendment is therefore not necessary."

The amendment was put and lost.

Sub-clause (15).

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I beg to move—

"In line 3, delete the word "or" between the words "grass" and "thatch" and insert the words "or metallic sheets" after the word "thatch."

"The Hon. Minister is aware that there are several buildings which are not constructed merely of the things that are mentioned in this clause. The present definition is as follows:—

"Hut" means any building which is constructed principally of wood, mud, leaves, grass, or thatch, and includes any temporary structure of whatever size or any small building of whatever material made which the local authority may declare to be a hut for the purposes of this Act."

"The definition does not include any huts constructed with empty tins which are converted into straight sheets. What is provided for in the present definition is 'any small building which the local authority may declare to be a hut for the purposes of this Act.' I do not want that that contingency should be left to the local authority. The definition of the word 'hut' must be complete by itself and self-contained and there need not be any responsibility thrown upon the local authority to declare a construction to be a hut or not."

V. S. T. SHAIK MANSOOR THARAGANAR SAHIB BAHADUR:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

SRI T. T. KRISHNAMACHARIAR:—"I oppose the amendment."

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MR. SPEAKER:—“ Does the hon. Member oppose it, after the Government have accepted it? He could have opposed it before the Government accepted it.”

The amendment was put and carried.

Sub-clause (16).

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

‘ In sub-clause (17) as renumbered, add at the end “ and includes notified disease as defined in section 62 ”.’”

The amendment was put and carried.

Sub-clause (17).

BASHEER AHMED SAYEED SAHIB BAHADUR:—“ Sir, I beg to move—

‘ In line 2, insert the following after the word “ urinal ” and before the word “ whether ”:—

“ and any building or part of a building or place used as such.”’

“ If you refer to the present definition, you will find that ‘ latrine includes privy, water-closet and urinal.’ ‘ Privy ’ is not defined anywhere; nor is the word ‘ urinal.’ ‘ Water-closet ’ also is not defined. All these three words are not defined. It is left to the common understanding as to what exactly a privy, water-closet or urinal is. But there are certain parts of a building which are not either urinals or water-closets, but which are used or abused as such. There are places in the streets adjoining houses or dwelling places which are abused as urinals. In order to make the definition complete, I want to include the words I have suggested. I would request the Hon. Minister to accept the amendment.”

V. S. T. SHAIK MANSOOR THARAGANAR SAHIB BAHADUR:—“ I second the amendment.”

* THE HON. DR. T. S. S. RAJAN:—“ There is a great difficulty in accepting the amendment. A portion of a travellers’ bungalow could be used temporarily and very rarely as a urinal; you cannot penalize it; you cannot call a part of a building temporarily used as a urinal, a latrine. Therefore I cannot accept the amendment.”

BASHEER AHMED SAYEED SAHIB BAHADUR:—“ If a water-closet or a urinal is used as such, nobody would object to it. But if a portion of a house or dwelling place is abused by children, parents who have civic conscience would not allow it; such things should be prohibited by law. The intention of this Bill is to see that such things are not abused. There are certain places, portions of public streets and big houses which are used as urinals invariably. I would therefore say that even such abused places should be brought under the definition of latrine.

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It is in the interest of public health that I plead that the definition should be made as comprehensive as possible. Otherwise the very purpose of the Bill will be stultified.”

* THE HON. DR. T. S. S. RAJAN:—“ All the possible abuses cannot be provided for in a Bill of this sort. What I mean to say is that a man may convert temporarily for his own convenience a portion of his building as a urinal and we cannot penalize it. We cannot consider such portions as being habitually used as urinals. A small portion of a big dwelling house may temporarily be converted for some time as a urinal and you cannot penalize such conversion.”

The amendment was put and lost.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—Sir, I beg to move—

‘ In line 2, after the word “ private ” add the words “ or whether open or flush out.”’

“ If the amendment is accepted, the sub-clause would read as follows: “ ‘ Latrine ” includes privy, water-closet and urinal, whether public or private, or whether open or flush out.’ ”

SRI B. BHAKTAVATSALU NAYUDU:—“ I second it.”

* THE HON. DR. T. S. S. RAJAN:—“ I accept the amendment.”

The amendment was put and carried.

Sub-clause (19).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—“ Sir, I beg to move—

‘ In line 1 of item (d), insert the word “ other ” after the word “ all.”’

“ The present definition is as follows: “ ‘ Local authority ” means (a) in the City of Madras, the Corporation of Madras, (b) in any other municipal area, the municipal council concerned, (c) in any area in a district as defined in the Madras Local Boards Act, 1920, which is comprised within the jurisdiction of a panchayat, the panchayat concerned.’ Having specified the City of Madras, District Municipalities and panchayat areas in a district, we have only “ other areas.” We have exhausted three categories and we come to all other areas. So, the proper wording should be, ‘ (d) in the case of all other areas in a district defined as aforesaid, which are not comprised within the jurisdiction of a panchayat, the district board concerned.’ ”

SRI B. BHAKTAVATSALU NAYUDU:—“ I second it.”

* THE HON. DR. T. S. S. RAJAN:—“ As it is, the clause is very clear and there is no necessity for this amendment.”

The amendment was put and lost.

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* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"The next amendment (30)* is a consequential amendment; my previous amendment having been lost, I do not move this amendment."

Sub-clause (20).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I move—

'In line 8, omit the words "with" and "without."

"My reason for proposing this amendment is this: 'Lodging house' is defined as a hotel, a boarding house, a choultry, dhar-masala or rest-house or any place where casual visitors are received and provided with sleeping accommodation, with or without food. We find Sir, a number of cases where students take up rooms and live there boarding in another place. I wish to include such lodging houses also not merely those where sleeping accommodation is provided; I wish to make the definition stricter, by applying it to all cases."

SRI B. BHAKTAVATSALU NAYUDU:—"I second it."

The amendment was put and lost.

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

'In sub-clause (21), as renumbered, add at the end:— "or

"(c) retiring rooms provided in railway premises for the use of passengers or railway servants."

"We have already accepted the omission from the definition of 'lodging house,' students' hostels and other organized places where health is being looked after properly and health conditions are satisfactory, but retiring rooms provided by the railways were omitted to be excepted. This was subsequently brought to our notice by the railways concerned, and therefore the Government have thought it fit to put in a new clause to that effect."

The amendment was put and carried.

Sub-clause (22).

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I move—

'Add the following at the end:—

"and publication in the local press and by beat of tom-tom."

"Sir, this Act is intended very largely, as I conceive it, for purposes of education on public health matters. The sub-clause says that 'notification' means a notification in the Official Gazette. But the Government should not be satisfied with mere publication in the Official Gazette. The Official Gazette does not

* In lines 2 to 4 of item (d) omit the words "which are not comprised within the jurisdiction of a panchayat."

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reach even a microscopic minority of the population for whom this legislation is intended. It does not reach most people in the mufassal or rural areas; and even in urban areas, a very small percentage of the population only has access to Official Gazettes. So, whatever is published in the Official Gazette ought not to be considered as sufficient for purposes of 'notification.' The intention and spirit of any notification should be that it reaches all persons whom it concerns. If it does not reach the persons whom it concerns, then the purpose or the object of the notification itself is lost. The Revenue department does it, several other departments do it—I mean by beat of tom-tom in the local areas. Especially when you are going to say that such and such a thing should not be done, or that if it is done, it will be an offence, etc., you should see that the notification is taken to the very doors of the people. It is perfectly easy for the Health department to do it; or if necessary, it can do so through the Revenue department. They can do it either by beat of tom-tom or by publishing a press communiqué in the local press. What is published in the Official Gazette or whatever is published by the Government Press does not reach the persons who are really affected by this piece of legislation. In the interests of a wider sphere of education and in order to achieve the object of this Bill, on the educative side, I do want that the age-long convention must be departed from; it should be possible for the Government to give a new orientation to the exact sense of what is called 'notification.' If notification is intended merely as a formality, then it is quite a different matter; but I take it that the Government do not intend to make it a mere formality. Notification must be with a view to bring the matter to the notice of persons who are affected by this piece of legislation. I am not suggesting by this amendment any impossible thing or any strange thing. Beat of tom-tom will not take much time, and if the notification is to serve the purpose for which it is intended, it is necessary that it should be published not merely in the Official Gazette but also in the local press and also by beat of tom-tom. If even in spite of tom-tom, people do not come to know of the notification, then it is their look-out and not that of the Government. But my suggestion is that Government should utilize all avenues open to them to bring the matter to the notice of the people, and that is the object of my amendment. I hope the Hon. the Minister will accept it."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"Sir, there is nothing in this Act to prevent us from tom-tomming or taking any other steps, and we need not put 'tom-tom' here. If we put it into the statute then it will become obligatory to do so every time a notification is made; and every time you will have to be running after people with tom-tom; then the village munsif will have to certify that such tom-tomming has been made and we will have to get through

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certain formalities. Somebody may take objection afterwards that the rule has not been properly followed and therefore the whole action under it is invalid. Again, there may be places where there is no local press at all, and if you say here that it should be published in the local press, the Health department will have to find out or create a local press for the purpose. It will be absolutely impossible to work this amendment."

MR. SPEAKER:—"Does the hon. Mover press it?"

BASHEER AHMED SAYEED SAHIB BAHADUR:—"It is a substantive motion, Sir. My friend says that beat of tom-tom . . ."

MR. SPEAKER:—"It is not a substantive motion, and no reply can be made."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I understood the Hon. Minister to say that notification by beat of tom-tom is difficult and impossible . . ."

* THE HON. DR. T. S. S. RAJAN:—"I did not say so, Sir. What I said was that the Act does not prevent us from tom-tomming, if we consider such a course necessary."

MR. SPEAKER:—"The mover wants compulsory tom-tom; the Government want optional tom-tom."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"In that case, Sir, if the Hon. Minister will have no objection to publication in the local press, wherever it is working, there need be no publication in the Official Gazette at all."

MR. SPEAKER:—"Wherever there is local press, the Government are going to publish. In that case does the mover consider this amendment necessary?"

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I consider it necessary, Sir."

The amendment was put and lost.

Sub-clause (23).

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I beg to move—

'In line 2, for the word "or" after the word "place" substitute a comma and insert the words "or process" after the word "thing."'

"It will be seen that any 'process' which by itself may be a nuisance, is not included in the definition of 'nuisance.' There are several processes in the manufacture of articles or things which are themselves a nuisance. I want that it should be made definitely clear that such 'processes' also are a nuisance."

MR. SPEAKER:—" 'Process' may not always be an act."

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BASHEER AHMED SAYEED SAHIB BAHADUR:—"A process may sometimes consist of many acts and sometimes it may not be an act, but some other mechanical thing. I therefore suggest that 'process' should also be included in order to make the definition more comprehensive and wide enough."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I am sorry I cannot accept the amendment for this reason, viz., that there are so many trades in which groups of people, four or five, may be working together; and the noise produced by one individual may be a nuisance to another individual. But such a nuisance will have to be put up with in the interests of the wage-earning individual. For instance, there are mine-workers working in the mines under great difficulties and amidst unhealthy conditions, but on account of their wage-earning capacity, they have to put up with such troubles. If we introduce all these things here, I am afraid we will be finding it impossible to work the Act."

Basheer Ahmed Sayeed Sahib Bahadur rose.

MR. SPEAKER:—"The hon. Member has no right of a second speech."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I may be pardoned for saying a few words by way of explanation. I would only say that for example fumes may be created by pouring nitric acid; and the fumes and foam that may arise out of the process may themselves be a nuisance, while the mere act of pouring the nitric acid or sulphuric acid may not by itself form a nuisance. I therefore request the Hon. Minister to reconsider the position, Sir."

* THE HON. DR. T. S. S. RAJAN:—"I have considered, Sir; I regret I cannot accept the amendment."

The amendment was put and lost.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move—

'In lines 7 to 11, omit all the words after the word "property."'

"In other words, I want the omission of the words 'of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right.' My reason is that these words are superfluous, and are not really necessary in a definition of the term 'nuisance.' Nuisance is anything that causes 'annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property.' That is quite ample to convey the correct meaning to anybody; there does not seem to be any reason why it should be 'injurious to the health

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or property of the public or the people in general who dwell or occupy property in the vicinity.' If for instance we say 'health of the public or the people in general in the vicinity,' it will probably restrain people who may have no right to frequent a place or visit a place or who do not really live in the place or in the vicinity from complaining about nuisance. I would therefore like to omit the words that I have read out."

SRI B. BHAKTAVATSALU NAYUDU:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"I am sorry I cannot accept the amendment. The definition of 'nuisance' has been purposely made elaborate here, so that there may be no confusion about it. Unless these words are there, there will be difficulty in working the Act."

MR. SPEAKER:—"Does the mover press the amendment?"

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I do not press it."

The amendment was by leave withdrawn.

Sub-clause (24).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I move—

"In line 4, omit the word "the" before the word "land"; and in lines 5 and 6, omit the words "in respect of which the word is used."

"My contention is that there is no meaning in these words. Without these words, the definition of 'occupier' is quite clear and self-contained. I do not know why the words 'in respect of which the word is used' are put in here. If these words are omitted, then the article 'the' in line 4 will also go, and the definition will be quite clear."

The amendments were duly seconded.

5-30 p.m. * THE HON. DR. T. S. S. RAJAN:—"I am sorry I cannot accept the amendment, Sir. Of course, it looks cumbersome as it reads, but it is the accepted legal phraseology and it has not given rise to any difficulty so far in working it. Because a particular reference is made to specify a particular land, it does not take away the meaning; on the contrary it makes it very clear. As it is, I think it is all right."

The amendments were by leave withdrawn.

Sub-clause (25).

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

"In sub-clause (27) as renumbered, for the expressions "clause (10)" and "clause (31)," substitute "clause (11)" and "clause (33)," respectively."

The amendment was put and carried.

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* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I move, Sir—

"In item (c), after the word "dirt," insert the words "house-sweepings, spittings including chewed betel and tobacco."

"It is a matter of common experience that house-sweepings, and spittings including chewed betel and tobacco, make the place very dirty and they are also injurious to public health. So, when we are introducing a Bill for the public health of the Province, and especially when we have also introduced kitchen and stable refuse, we should include the above offensive matters also. I think it is desirable that we should also provide against such nuisances."

SRI B. BHAKTAVATSALU NAYUDU:—"I second it, Sir."

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment, Sir."

The amendment was put and carried.

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I move, Sir—

*"In item (c), after the words "broken glass," insert the following:—
"or pottery, debris." "*

* SRI T. T. KRISHNAMACHARIAR:—"I second it, Sir."

THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

Sub-clause (26).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I move—

"In lines 1 to 3, for the words "in which the substances dealt with are, or are," substitute the words "which is, or which is."

"The sub-clause deals with trade in which the substances dealt with are, or are likely to become, a nuisance. I do not think it is necessary for us to have regard to these substances. Substances by themselves might be inoffensive, but if they are dealt with in a particular manner, they become offensive. For instance, tanning by itself is not offensive so long as the tanning operation is carried on in a proper manner, outside the city limits and with reference to sanitary conditions. But it is certainly offensive when it is dealt with in a crude manner and the skins are allowed to rot for some time and they emit bad smell and prove injurious to public

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health. I would therefore move my amendment to make the meaning clear, especially in view of the fact that 'substances' have not been defined. That is my reason for the amendment."

SRI B. BHAKTAVATSALU NAYUDU:—"I second the amendment."

THE HON. DR. T. S. S. RAJAN:—"I am sorry I cannot accept it. What we seek to do is to make the substances used and not the trade as such to be a nuisance. I therefore cannot accept the amendment."

The amendment was by leave withdrawn.

Sub-clause (27).

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I move, Sir—

'In line 5, after the word "person," insert the words "or estate."

"This is a simple amendment, because in the sub-clause you will see the words 'another person' are used and receiver here may refer to another person or estate or property. I want to make the meaning very clear. Otherwise, there may be loopholes for lawyers. I therefore want to introduce the words 'or estate' to make it more clear in the definition."

* SRI T. T. KRISHNAMACHARIAR:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I move—

'In line 6, for the word "purposes," substitute the word "institution."

"According to the clause 'owner' includes the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person, or for any religious or charitable purposes Instead of that I would prefer the words 'religious or charitable institution,' because the word 'institution' would be better than the word 'purposes.' That is my reason for the amendment."

SRI B. BHAKTAVATSALU NAYUDU:—"I second the amendment, Sir."

* THE HON. DR. T. S. S. RAJAN:—"I am sorry the hon. Member has not understood the definition correctly, because the term 'religious purposes' is wider than the term 'religious institution.' The term used in the clause is more comprehensive than the amendment suggested. I am sorry I cannot accept the amendment."

The amendment was by leave withdrawn.

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Sub-clause (28).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I move, Sir—

'In this sub-clause, omit the words "by the Government."

"My reason for the amendment is that according to the clause itself, 'prescribed,' means 'prescribed by the Government by rules made under the Act.' So, the words are redundant and cumbrous, because the rules can only be made by the Government."

SRI B. BHAKTAVATSALU NAYUDU:—"I second it, Sir."

* THE HON. DR. T. S. S. RAJAN:—"The amendment is absolutely unnecessary. Though the Legislature may pass an enactment, there should be some specific authority who should be empowered to make the rules, because we cannot allow the Act to be suspended in the air."

The amendment was by leave withdrawn.

Sub-clause (30).

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I move, Sir—

'In line 1 of item (c) before the words "attached to," insert the following:—

"running through or under or abutting on or."

"According to the definition, 'drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, veranda, or other structure which lies on either side of the roadway up to the boundaries are included. I want to include those other drains also which run through these bridges and causeways because some of them are abutting on such streets. My idea is to make an all-inclusive provision."

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"I am afraid, Sir, that if I accept the amendment, what will happen is that all drains will become streets which will be absurd. I therefore cannot accept the amendment."

The amendment was by leave withdrawn.

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New sub-clause (30-A).

* H. S. HUSSAIN SAHIB BAHADUR:—" I move—

‘Insert the following definition after sub-clause (30):—

“(30-A) ‘Sanitary convenience’ means privy, water-closet, and urinal and includes any arrangement made for bathing.”

“My reason for moving this amendment is that only in Chapter V, section 37, the words ‘sanitary convenience’ are used for the first time and so a definition for the expression is quite necessary. It is quite possible that in a city like Madras, people may be familiar with sanitary conveniences, but it is necessary to define it in the case of the whole Province. Therefore, I move that a new definition to that effect might be added to the clause relating to definitions.”

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—" I second it, Sir."

* THE HON. DR. T. S. S. RAJAN:—" The object of using the expression ‘sanitary convenience’ in certain places is that the word ‘latrine’ need not be repeated unnecessarily, and also because it is more decent. We need not go on expanding it, because it is easily understood."

MR. SPEAKER:—" Is arrangement for bathing, etc., included in sanitary conveniences? "

* THE HON. DR. T. S. S. RAJAN:—" It includes bathing, etc., and it is a common term."

* H. S. HUSSAIN SAHIB BAHADUR:—" ‘Latrine’ does not include any arrangement for bathing, etc. The term will lead to a lot of confusion and so I want a separate definition for the term."

* THE HON. DR. T. S. S. RAJAN:—" There was a lot of discussion over this matter in the Select Committee and we purposely left it without any definition so that it may be easily understood. I am sorry I cannot accept the amendment."

The amendment was by leave withdrawn.

Sub-clause (31).

BASHEER AHMED SAYEED SAHIB BAHADUR:—" Mr. Speaker, I move—

‘In line 3, insert the following after the word “includes”:—“water used up in washing pials and outer portions of any building and.”’

“‘Sewage’ has been defined as nightsoil and other contents of latrines, cesspools or drains and includes trade effluents and

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discharges from manufactories of all kinds. But there is another kind of effluent which is not covered by this definition. It is very awful and it converts itself into a nuisance. It is the dirty water which is flowing into the streets, side lanes and public roads as a result of the washing of the pials and outer portions of the house. This is left to stagnate and accumulate in the street for it has no connexion with the underground drainage. The result is that it stagnates and becomes the breeding place for mosquitoes. It constitutes a nuisance. I submit, therefore, Sir, that it ought to be brought under the definition and treated as sewage water. I think that the Hon. Minister knows that it flows into the open drains intended for draining away the storm-water and stagnates there and thus constitutes a positive danger to the health of the people. It happens in the City of Madras and other towns notwithstanding the fact that there is an underground system of drainage. The very existence of the underground system of drainage is rendered useless and water stagnates and becomes the breeding place of mosquitoes. I submit that this ought to be checked. Otherwise, it will not only be a danger to the health of the people of the locality, especially in very congested localities, but it will also be a positive nuisance."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—" I would submit that this is the worst thing that we can do under a Public Health Act if we are not to allow the washing of the pials and the outer portions of a house. If it is felt that it is becoming very horrible, we can take power under the Nuisance Act and prevent people doing it in a manner detrimental to the health of the locality. I really do not understand why we should incorporate such a provision in the law which will have the effect of penalising even washing a house."

BASHEER AHMED SAYEED SAHIB BAHADUR:—" I would submit that the Hon. the Minister is merely making things absurd. I suppose he has not understood the seriousness of the position. Any one residing in the congested parts of the city, such as Georgetown, knows what exactly is happening there. Unfortunately, the Hon. Minister is living in a palatial building elsewhere and he does not realize the seriousness of the situation and the great nuisance that it causes to the residents of the roads and streets in question, not to speak of the health point of view. It would be a pity if there is no provision to check this. If that had not been prevented by the building plans, it ought to be possible to prevent it by means of a Public Health Act. Otherwise, the nuisance will become a very dangerous thing. I do think that the Hon. Minister realizes that what is sought to be prevented is not the washing of the pial or the house but washing

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it in such a way as to turn the water employed for the purpose into the open street instead of into the underground drainage and I submit that it must be termed as sullage water and prevented. It would be reducing things to absurdity to suggest that I want to prevent the washing of the pials and outer portions of the house."

The amendment was put and lost.

Sub-clause (36).

* MR. G. E. WALKER:—" Mr. Speaker, I wish to move an amendment standing in the names of myself and other members of the European Group—

' In clause 3, sub-clause (36), for the fullstop after the word " artificial," substitute a comma, and add the words " other than a drain." '

" I think that the non-inclusion of these words in the sub-clause is only due to an oversight in drafting. ' Water-course ' is defined as including any river, stream, or channel, whether natural or artificial. ' Drain ' is defined, in sub-clause (5) of this clause, as a device for carrying off sullage and offensive matter or polluted water, and so on, and the definition contains the same word ' channel ' which appears in the definition of ' water-course ' in sub-clause (36). It is quite plain from the terms of sub-clause (36), that a ' water-course ' includes a ' drain.' This might not be of any great importance in itself, but when one comes to consider clauses 35 and 36 as now renumbered, there is a conflict between the two. Clause 35 deals with the discharge of refuse into public drains, but by clause 36, no person is allowed to put any sewage matter into a water-course. The removal of sewage matter is a thing for which a drain is constructed and intended, and if a water-course, which comes under clause 36, is to include a drain, the clause will become impracticable and virtually meaningless. In these circumstances, I hope that the Hon. Minister will be able to accept the amendment."

The amendment was seconded by Mr. J. Nuttall.

The amendment was put and carried.

Sub-clause (37).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—" I move—

' In lines 1 and 2, for the word " premises " substitute the word " place " and omit the words " including the precincts thereof." '

" In moving this amendment I have in mind places where industrial operations are carried on in the open. For instance, sugarcane juice is converted into jaggery in the open and not in

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a workshop and so also are eucalyptus and other essential oils distilled in the open. If those places are to be brought within the ambit of the Public Health Act, it would be necessary to make the definition include such places. That will be secured by substituting the word ' place.' "

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—" The definition has been taken from the Indian Factories Act and as it stands it is more comprehensive and therefore, I am sorry I cannot accept the amendment."

The amendment was by leave withdrawn.

BASHEER AHMED SAYEED SAHIB BAHADUR:—" Mr. Speaker, I move—

' In lines 7 and 8, for the words " any other remuneration " substitute the words " on any other basis of remuneration." '

" I only want to improve the language of the clause by means of this amendment and make it more comprehensive. It might be that there is no direct remuneration; it might be that there may be some other consideration which cannot be brought within the term ' remuneration.' I think it would be better to have the words ' basis of remuneration ' for the reasons I have stated."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—" The acceptance of this amendment will make the whole thing meaningless. As the clause stands, the meaning is quite clear. I am sorry I cannot accept the amendment."

The amendment was by leave withdrawn.

Sub-clause (38).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—" Mr. Speaker, I move—

' In line 7, for the words " use on a commercial basis " substitute the word " sale." '

" This is merely a verbal amendment. The clause, if the amendment is incorporated, would read thus:—

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

" As it stands in the Bill, there are five words which could adequately be expressed by the simple word ' sale.' Further the

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meaning expressed by the inclusion of the word 'sale' is the same. The amendment is merely of a verbal nature and I hope the Hon. Minister will have no objection to accept it."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I submit that it is not a verbal alteration. 'Commercial purposes' includes 'hire' and not only 'sale' and as such is more extensive in its application. As such I am sorry I cannot accept the amendment."

The amendment was by leave withdrawn.

New sub-clause (39).

* H. S. HUSSAIN SAHIB BAHADUR:—"I move—

'Add the following as new sub-clause (39):—

"(39) 'Dirt' means any foul or filthy substance, such as excrement, mud, dust, etc., and includes whatever adhering to anything, renders it foul or unclean." "

MR. SPEAKER:—"Does not the word 'etc.' in the proposed sub-clause take away the value of the amendment altogether? I do not think it would be proper to include that word in an Act."

* H. S. HUSSAIN SAHIB BAHADUR:—"I have no objection to omit that word."

MR. SPEAKER:—"Presumably the hon. Member is not responsible for the drafting of that amendment."

* H. S. HUSSAIN SAHIB BAHADUR:—"I want the definition only for this reason whether with or without the word 'etc.' Offensive matter has been defined in sub-clause (25); and filth and sewage have been duly defined in sub-clauses (10) and (31). It ought to be made plain as to what are the things that would be called 'dirt'; and to make it clear I want that this definition may be put in the Bill."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I submit that this amendment is absolutely unnecessary. We have already defined filth and therefore the whole thing has been fully covered."

The amendment was put and lost.

Clause 3, as amended, was put and carried.

Clause 4.

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I beg to move—

'Delete clause 4.'

"I do so, because I do not think any useful purpose will be served by having a body of that type. After all, Sir, it is an advisory body and this advisory body is to advise on matters referred

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to it by the Government. There is no clause in this Bill which says what the powers and functions of this body are, except the fact that it has to advise on matters referred to it. I would welcome any move to define its powers and functions. Except the constitution of the body, the Bill does not make any reference to it in any part of its numerous clauses. Therefore I feel no useful purpose will be served by having such a body. After all, if the Government want to consult any body, they can do so without the existence of such a body. For, what does this body consist of? It consists of merely heads of departments of the Government. Where is the necessity to have such a body, when its composition is in this manner? The Minister for Public Health is himself there in the body. He can get the advice of the Minister for Local Self-Government, who is very near at hand in the same building. Then it is said that the Public Health Board is to consist of three members of the Legislature. They are not there as experts; and in fact the opinion of any member of the Opposition can be easily obtained without the existence of a body like the Public Health Board. Then, take the case of the Surgeon-General. He is a Government employee, and his opinion can be obtained either through the telephone or in person. Then there is the Director of Public Health, who is directly in charge of public health. He is dealing with public health matters every day, and the Government can have ready access to him by asking him to dance attendance on the Minister whenever required. (Laughter.)

"Then, again, there is nothing to be referred to the Public Health Board; for everything required on public health matters is found already in the provisions of the Local Boards Act, or the District Municipalities Act or in the Madras City Municipal Act. So the setting up of this Board will be only superfluous. Take for instance sanitation, infectious diseases, or public wells; all these things are already governed by the existing provisions of several statutes. Therefore I say that this Public Health Board is a superfluous body and an unnecessary one, and so it is not wanted. If it is only a body of experts I can understand the position; but as it is, it is only a body of Government employees; and so I do not see any useful purpose will be served by having this Board. So, Sir, I move for the deletion of clause 4."

The amendment was duly seconded.

* SRI T. T. KRISHNAMACHARIAR:—"Sir, I must express my feelings of surprise at the motion brought forward by the hon. Mr. Basheer Ahmed. For with all his years of experience in the Legislature, I am rather astonished to see that he has brought forward this amendment for the abolition of the Public Health Board. Quite a number of provisions of this Bill are based

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on the functioning of the Public Health Board; and so the Mover of this amendment is not right when he said that he did not see any provisions in the Bill dealing with the functions of this Board. If there is any body best fitted to deal with public health matters it is the Public Health Board, and so there is every necessity for constituting such a Board here, in this Province.

"As regards the Board itself, if only the hon. Mover of this amendment had studied and compared legislation elsewhere, he will find that there is a public health board in every country where there is public health administration. As regards its composition it is but natural that the Hon. Minister in charge of Public Health should be there in the Board as well as the administrative officers of the Government in that field. Non-official element also has been included in the composition of the Board.

"With regard to its functions, my hon. Friend, if he had studied comparative legislation in other countries, would have seen that the Public Health Board is the fittest body to discuss all details of administration in the matter of public health. Take, for instance, the question of type-designs of latrines, drains, and such other details. Can you think of any other body which is better fitted to discuss all these matters? The present Board is already doing very useful work in that direction, and it forms a very important element in safeguarding the public health of the Presidency. I am unable to appreciate the motion of the hon. Mover of this amendment and I wonder how he brought forward this motion with all his experience in legislation for the last so many years, as the present amendment cuts at the fundamental principle of the Bill itself."

* THE HON. DR. T. S. S. RAJAN:—"Sir, one of the fundamental features of the present Bill is the constitution of the Public Health Board. We have made the formation of the Board statutorily obligatory. The Select Committee went in great detail into the question of the Minister for Public Health being a member of the Board, discussed it and arrived at the decision that he should be a member of the Board. The heads of departments are to be in the Board, as their presence will facilitate personal discussion and exchange of ideas, both for and against any proposal and will afford an opportunity to come to a decision on all matters at once. For one thing, it will not multiply correspondence, and there will be a great saving in time. Therefore the first thing in the working of this Bill is the constitution of this Board, and so it is impossible to think of abandoning one of the fundamental features of the Bill."

The amendment was put and lost.

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Sub-clause (1) (b).

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Mr. Speaker, I beg to move—

'For the words "*the Minister for Local Administration*," substitute the words "*the Inspector of Municipal Councils and Local Boards*."'

"I am of opinion that the Inspector of Municipal Councils and Local Boards will be very useful on the Board. The Minister for Local Administration deals only with municipal councils and local boards, whereas the Inspector of Municipal Councils and Local Boards deals with municipal councils, local boards and also with panchayats and so he is the only officer who can with authority speak on panchayats. After all, the Board is only an advisory body, and so I feel there is no necessity for having two Ministers there. The Minister for Public Health will look after the affairs from the Government's point of view. It appears it is the idea of the Government afterwards to have the Inspector of Municipal Councils and Local Boards on the Board under clause (2) of section 4. If that be so, why should it not be specified? Why keep it a secret item of sub-clause (1)? So I move that the words 'the Inspector of Municipal Councils and Local Boards' be substituted for the words 'the Minister for Local Administration.'"

Abdul Hameed Khan Sahib Bahadur seconded the amendment.

* THE HON. DR. T. S. S. RAJAN:—"Sir, I am sorry I cannot accept the amendment for the simple reason that the Minister for Local Administration represents all local bodies, be they municipal councils, local boards or panchayats, whether the Inspector of Local Boards and Municipal Councils is there or not. We have made provision for the inclusion of an additional member, whenever found necessary; and that provision does not prevent the Inspector of Local Boards from being made a member of the Board, whenever found necessary. In a Board which represents the large interests of local boards, it is fair and just that the Minister representing that department should be there, as local bodies' finances and things of that sort are discussed there. Therefore I oppose the amendment."

The amendment was put and lost.

Sub-clause (1) (c).

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, I beg to move—

'For item (c), substitute the following:—

"(c) *three members of the Madras Legislature elected by the Legislature and one member of the Madras Legislative Council elected by the Council.*"'

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6-15
P.m.

"Sir, you will notice that in the Select Committee the Bill has undergone certain changes, and that is, instead of election we have now nomination. I also beg to submit that in my amendment there is some slight alteration required; and it is this: for the word 'Legislature' occurring twice, 'Legislative Assembly' should be read. One of my objects in moving this amendment is to substitute election for nomination. For it is high time we give up the pernicious system of nomination wherever possible and wherever necessary. And I think the Hon. Prime Minister and the other Members of the Cabinet have given us the assurance that the pernicious system of nomination should be replaced by election. But here, I am surprised to see them reverting to the old principle of nomination. Therefore, I have thought it fit to recommend election instead of nomination. It may be argued that if the principle of election is adopted, there is a possibility of proper people not being elected to the expert body, and that is why the Government desire to take upon themselves the duty and responsibility of nominating members from this House whom they might consider to be the proper persons to sit on this Board. Well, Sir, that is a fallacious argument. That again shows their want of confidence in democratic principles, want of confidence in democratic judgment, want of confidence in a large representative body. Therefore, it is but proper and absolutely necessary that this principle of election should stand and the method of nomination should go.

"Another reason why I have given notice of this amendment is that all aides of this House and the other House should have an opportunity of electing their representatives. It is just possible that if the party in power wishes to do so, it might close the door to the Opposition. But if it is left to the Hon. Speaker to define the manner in which election should be held, he may prescribe the method of the single transferable vote. By that means he may give an opportunity to this House to elect people from all shades of opinion. My hon. Friend, Mr. Basheer Ahmed Sayeed, stated that this Board should altogether be abolished. He advanced golden arguments in favour of that move. Inasmuch as the Board should continue to exist for the purposes of functioning as an advisory body for the Hon. Minister for Public Health, I think it necessary that in addition to the expert advice that he is able to secure from his colleagues, from his advisors who are engaged in various departments—the department of Health, the department of Sanitary Engineering, and, if possible, the Inspector of Municipal Councils and Local Boards—others who are not experts in the matter of public health must also be there for advising him whenever it is necessary. We know that this is a very comprehensive Bill that is bound to affect the people as a whole, not only individuals but also institutions. It is bound to affect local bodies like the municipalities and the Madras Corporation.

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Inasmuch as it is going to affect a large number of people, it is necessary that the non-official element on that Board should be as strong as possible; and this will be possible only if the representatives of the people are represented on the Board. Of course the argument might be advanced that the Government are themselves a non-official body and that it is enough to safeguard the interests of the people as a whole. If so, there would have been no necessity for this Board itself. Therefore, Sir, it is absolutely necessary that elected members of this House and the other House should sit on the Board. With the changes of opinion of the Government from one side to the other, inasmuch as we realize that the natural change takes place in the mentality of even. . . ."

MR. SPEAKER:—"Are the Government going to oppose the principle of election?"

THE HON. DR. T. S. S. RAJAN:—"Yes, Sir. Because. . . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"We see the mentality of the Government expressed in the answer of the Hon. Minister to the Speaker's question. That is the mentality that I wish to bring to the notice of the House. The Hon. Minister does not want the non-official element to be elected by a large number of members. He wants his own nominees. Then, the Board might not function in the manner in which it ought to. Therefore, Sir, I hope that the Hon. Minister for Public Health who has given expression to his views against popular opinion, against the principle of election, will consider my amendment better."

The amendment was duly seconded.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I would like to submit for your consideration that there are three amendments on the same lines; one by"

MR. SPEAKER:—"I have chosen the first amendment because it is comprehensive. All the members who wish to speak upon it may do so."

* SRI T. T. KRISHNAMACHARIAR:—"Sir, I oppose tooth and nail the amendment moved by the hon. Member representing the Muslims of Madras. In a small matter of administrative convenience and efficiency he has brought in very big issues, which, as a matter of fact, it is for the Government to defend. What strikes me as strange is the queer way of his bringing in, and I think with great stress, a constitutional issue that the representatives of the Government and the Congress are departing from ideas of representative Government in conceding to the principle of nomination in the constitution of the Public Health Board. I do not think that the Congress Government need really forget administrative principles if they have taken up office and assuredly they will be failing in safeguarding administrative efficiency if in the

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case of a board with administrative objects, where expert opinion is necessary and all shades of opinion will have also to be provided for they leave it to the decision of the ballot box. They have taken up powers to nominate suitable people for a short period of one year to advise the Minister of Public Health in carrying out his duties and in executing the various obligations that are placed on him by this Act. I do not think that this means any departure from well-known constitutional principles. I am, Sir, as much a democrat as the hon. Member representing the Madras Muslims. I fail to see why a constitutional principle should be brought in in such a small thing as an administrative board. I do not think it could be brought in. It is argued why did the Congress Government do away with nomination with regard to local bodies? I cannot see any relation between elected local bodies or legislature and a small and compact administrative body. It is argued that there was no provision for nomination in the original Bill. I think this departure was made after full and mature consideration, that the ballot box should not decide as to who is to sit on the Public Health Board. It is not taking away the privilege of the members, if members are to be selected from this House, as the mover of the amendment suggests.

"As it is, even by the system of proportional representation there is no chance of returning one member from the Opposition. But that is not the criterion. We are not making legislation now because the Opposition is 57 and the Government are one hundred and fifty and odd. We are legislating for all time to come. And the issue which has been taken up by the hon. Member representing the Madras Muslims is an extremely narrow one. He is trying to make political capital out of it. It is undoubtedly proper for a Member of the Opposition to make political capital out of every opportunity that occurs; but when it arises out of the constitution of the Health Board, the issue is a mere trifle and extremely small. That is why, Sir, I think members of this House should not really take seriously the suggestion put forward.

"I can with a certain amount of authority absolve the Hon. Minister for Public Health of any idea of taking away our right to elect our representative to the Board. I can also tell the House, through you, Sir, that the idea of nomination so that the Board may function better, so that it may get the proper type of people, people who are necessary was not mooted by him. But if he was convinced that this was the better method of affording representations for interests and opinions useful to the Board, by which new talent can be made available year after year he was not violating vital principles of democracy. That is why this question of nomination was put in and I do not think that the hon. the Mover of the amendment has made out any case for a change from nomination to election. (Interruption.) He has over stated his case and has shot far wide of the mark. I oppose the amendment with all the emphasis I can command."

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MR. SPEAKER:—"In favour of nomination?"

* SRI T. T. KRISHNAMACHARIAR:—"Yes, Sir."

MR. SPEAKER:—"The Hon. Minister will now speak and those other members who want to speak will be permitted to speak after him. (Mr. Langley stood up.) The House must know the explanation of the Hon. Minister on this and then the other members of the Opposition will be permitted to speak. (The Hon. Prime Minister rose.) The Hon. Prime Minister will speak."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"This is a matter which was very fully discussed in the Select Committee, and I must express my surprise that the hon. Member representing the Muslims of Madras has raised the point here, when surely we could have discussed it at closer quarters there and thrashed it out more satisfactorily. I think, at any rate, my surprise is legitimate in that he did not raise this point at the end of the Select Committee's discussions and put down a dissenting minute in this matter as some members did in other matters. I mention this fact not as an estoppel, but to show that these points apparently did not appear to him so important at that time. And what is more relevant for the purpose is this, that we met all the points in the Committee in a manner which satisfied all the members of the Select Committee who were chosen from the benches opposite in this matter and more or less on sound reasons. Those reasons. Mr. Krishnamachariar has put before the House to some extent. I only wish to supplement that.

"Taking the powers given to the Government under this proposed measure to constitute the Health Board, it will be seen that it is an advisory body and not a body that is to sit in check over the Government or sit in audit over the Government. It is an advisory body and officials and heads of departments are in this body. Only to supplement the material that the Government can get by way of advice from the officials, certain non-official members are also put in by certain description. It will be seen here that there is no one that represents the large number of district boards and municipalities in the Province. That is the defect. How is the defect remedied by this? It is sought to be remedied in this manner. A careful selection from the members of the Legislature, having in view particular objects, can bring about a far better representation of such interests than election. Moreover, under a system of election, human psychology being what it is, it will only be a group of representatives of various kinds who would not merely give advice but would check the vagaries of the Government. If checking the vagaries of the Government is the object then there is the elected statutory body with 200 and odd persons. We select people who will be a

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link, so to say, between the various conflicting interests, interests of the local boards and municipalities and the individuals concerned and the expert Health Minister who wants particular things to be done for the sake of health. This compromise can be effected only on advice and after full exchange of views.

6-30 P.m. "Then the hon. Member suggests that in a scheme of election the Opposition would have a chance, that the various oppositions would have a chance. Election would simply be election by a majority. We cannot have election by the single transferable vote which would be all right if a large number of people had to be selected. So many members won't get a chance. Therefore, the good sense of the Government is relied upon here, that in making the selection they will select people who will represent all shades of opinion. That is the object of this nomination. When these matters were explained, the entire Select Committee was unanimous in accepting this method of nomination. In fact, as Mr. Krishnamachariar said, we did not start by nomination. It was after considering all points of view that nomination was accepted. Nothing there was a secret. The object that is sought to be attained will be better attained by the constitution proposed now and not by the constitution of election, of adding to the numerous bodies that we already have."

* Mr. W. K. M. LANGLEY:—"I beg to support the amendment. I was brought up under democratic principles and I confess I am not a bit frightened by the principle of election. I am amazed that the hon. Member representing the Southern India Chamber of Commerce should take up such an extraordinarily undemocratic line as to oppose this particular amendment. I am glad also that the Prime Minister spoke on this amendment because even his exceptional dialectics failed to convince me as to the desirability of nomination. He seems to assume that any members elected by this House would immediately act as a check upon the Government. Why assume that these members should deliberately try to thwart everything suggested by the Government? Besides, that rather defeats his own theory that if there was election none of the members on this side would stand any chance whatsoever of being elected, and that those elected would be three of the gentlemen sitting over there. Even as they do in these debates, meekly and silently recording their vote on the side of this powerful Government, presumably they would do exactly the same in any meeting of the Public Health Board; they would sit down and record a silent vote on behalf of the Government."

"Now to come to the particular point at issue, I myself would definitely prefer the principle of election by the House. I should like to point out that these members who will represent the Madras Legislature will hold their place, whether they are nominated or elected, by virtue of their being members of this House

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and I think we ought to be very jealous of the rights and privileges of the House. It is the right and privilege of the House itself and not of the Government of the day or the Prime Minister or the Health Minister or any other Minister, to nominate such people. They should be elected by the free vote of the House and, as several amendments suggest, suitable rules should be prescribed by the Speaker as to the method of holding a free and unfettered election. I strongly support this amendment."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Mr. Speaker, you will be pleased to note that I have also given notice of an amendment on the lines of the one now moved by my friend Mr. Hameed Khan and so strongly supported by Mr. Langley. Sir, we find in the original Bill that the members of the Legislature that ought to be included in the Public Health Board should be elected members. When the Bill was under consideration by the Select Committee, the principle of election was replaced by the principle of nomination and the reason given by the Select Committee for the change is on page 2 of this pamphlet. As has already been observed by the Premier, the functions of the Board are only advisory and the ultimate responsibility for taking action rests with the Government and it was therefore considered desirable to give a free hand to the Government to appoint such persons as may in their opinion be more suitable for membership. These are the very reasons which necessitate not nomination but election. The ultimate responsibility of either accepting or not the views of the Board rests with the Government. Therefore, there need be no fear that any unwelcome advice will be given or acted upon by the Government."

"Sir, further it is stated that the Board is only advisory. That is all the more reason why the members should be elected and not nominated. In a representative body like the Public Health Board, which is expected to play in future such an important part in the matter of public health administration, to substitute nomination for election seems to be contrary to all principles of democracy. I merely seek, Sir, through this amendment to restore the original clause in the Bill. Whatever the reason assigned by the Hon. Premier may be—I am very sorry to say that the reasons given also by Mr. Krishnamachariar in this connexion do not carry conviction—we find in the Bill as revised that the Minister for Local Administration is a member of the Board. In addition to him we find there are not less than five officers in a Board consisting of nine members. The Minister for Public Health, the Minister for Local Administration, the Surgeon-General, the Director of Public Health, the Sanitary Engineer, are all officers and paid servants of the Government. Besides these officers there are only four other non-officials and these are also to be the nominees of the Government. It does not require much argument to convince

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one that such a state is derogatory to all principles of democracy. Sir, the Premier was pleased to remark that if election was resorted to, it might not be possible to secure suitable members to give effective advice to the Government and help matters. Unfortunately experience differs. From elected members one would expect independent opinion. Whether such opinion is accepted by the Government or not, there is no gainsaying the fact that elected members reflect public opinion. If members are nominated it does not require very much argument on my part to say that the opinions given by such nominated members would only be the reflections of opinions expressed by Government members. In a body like the one proposed in the Bill, I do not think that anything that is conducive to public health can be expected. I therefore request, Sir, the Hon. the Mover of the Bill and appeal to the Premier to restore the original sub-clause providing for the election of three members of the Legislature in the prescribed manner. That would only make provision in the case of a Board consisting of nine members for four members to be elected from among the elected members of the Legislature."

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I have given notice of a similar amendment."

Mr. SPEAKER:—"The hon. Member may speak afterwards. The Hon. Minister for Public Health will now speak."

* THE HON. DR. T. S. S. RAJAN:—"Supposing they raise issues afterwards, am I to answer them?"

Mr. SPEAKER:—"I will allow."

* THE HON. DR. T. S. S. RAJAN:—"I have very little to add to what the Hon. the Prime Minister has said with regard to this particular change from election to nomination, which was brought about by the Select Committee. The idea behind it was that the Government members should shoulder the entire responsibility on themselves and not allow members elected by the Legislature to share the responsibility in dealing with unpleasant subjects as the Government may shove their responsibility on the shoulders of members and make them scapegoats for passing such unpleasant orders. Numerous representations were made and a very large number of interests claimed representation on the Board. Women wanted representation; municipal councils wanted representation; the district boards wanted representation; railways wanted representation. In fact if all these representations were taken into consideration, it would not be a compact body of nine members who would act as an executive body, but it would be a large consultative body with conflicting opinions on every decision which the Government want to arrive at. Therefore, administratively it will convert itself into an authoritative body or deliberative assembly. That is not the desire of this Act. A body of

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officials with a leaven of non-officials was all that was meant. It is open to arrange for the nomination of these people. It is all right to talk of democracy. The Health Board is not the place to work the principles of democracy. It is an administrative machinery meant for quick action on matters that are referred to it by the departments. It is not a question of principle. It is a question of efficient administration wherein a number of opinions can be brought to bear. Experts have been associated with it and also people who can advise the Government effectively on these matters. Nobody can say that election would give all that representation. Therefore we fell in with the view and took the entire responsibility for working the Act, unclouded by any issue of democratic representation, and without the possibility of shoving the responsibility upon others. While accepting the position, we also made the point clear that we would welcome expert advice, so that action may be quick and the necessary decision arrived at without dilatory processes. What was wanted really was informative opinion that should be given to the Board. I contend that no question of democratic election comes into play in requiring a decision of this sort on executive action. No doubt, the question of policy may be raised but that is for the Legislature. The Health department has to act and in its administration it wants some more informed opinion. It is open to the Government to accept or reject that opinion but it cannot be said that they should not take advice or take time in arriving at decisions upon a particular issue. What the Government claim is that all factors bearing upon any particular issue would have been considered and a decision taken after going through the merits of the case. That is exactly what is meant by this nomination. Nomination has the additional advantage of securing representation of various interests, which as the Premier correctly pointed out, would not be secured by means of election. Therefore, in this case, the principle of nomination would answer all the interests much more effectively than the principle of election which would give representation simply to group interests but cannot secure active and intelligent co-operation. In fact, in the Select Committee, we were unanimous on this point and I am rather surprised that this issue is raised now."

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Mr. Speaker, I rise to support the amendment so ably moved by my hon. friend Mr. Abdul Hameed Khan. I feel very sorry that the Select Committee has made a change from election to nomination. If the decision of the Select Committee had been known to the House beforehand, perhaps the House would not have thought fit to refer it to the Select Committee at all, because it has made a startling change. Sir, as has already been pointed out, the Board is given too much of official colour. A number of officers are there already; two of the Ministers are there; the

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Director of Public Health is there; the Surgeon-General is there; the Sanitary Engineer is there, and we are going to have another expert officer. In spite of all this, the Government think it is necessary to have three more members of the Legislature nominated by them. Even the non-official element in the Board is given the official colour; they are to be nominated by the Government which will mean that the Government view will prevail in all matters placed before the Board. The members of this House should jealously guard their privileges and see that this change is not effected.

"Sir, I am afraid I did not quite catch the argument put forward by Mr. P. T. Krishnamachariar. He said that the Board was after all an advisory body. My question is this: in that case why do you restrict membership to the members of the Legislature? If expert opinion is wanted, it will be too much on my part to presume that expert opinion can be obtained from the members of the Legislature only. Perhaps much better advice can be obtained from persons outside the Legislature. So, I do not see any reason why this privilege should be conferred only on the members of the Legislature.

"Sir, another point that has been sought to be made is this. The Hon. Minister for Public Health said just now that by reason of nomination, it was possible for them to give representation to various interests. Is it expert opinion that is really wanted or representation of various interests? If it is the latter, I am afraid this is not the manner in which it can be done. I am rather at a loss to understand how the system of nomination can work in any way better than the system of election. I strongly support the amendment."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Mr. Speaker, I see that any position can be defended to-day. (Laughter.) Sir, originally, it was the party in power, the Treasury Bench, that conceived the idea that there should be representation to the Legislative Assembly and Council and that such representation should be secured by means of the elective principle. If an amendment to delete that elective principle had been given at the proper time, then, I am sure the very Treasury Bench would have come forward to oppose it. Now, since in the Select Committee, in a moment of some weakness, the elective principle has been given the go-by, and the principle of nomination has been restored, that position has to be defended. I think, Sir, it is not fair. The original conception seems to have been that representation of the House, whether the Upper or Lower House, should be secured and no representation can be secured unless it be by means of the elective principle. We have always contended, and contended with good reason and sufficient common sense, that no representation of any body or any opinion can be secured by means

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of nomination, and this very reason was put forward for the abolition of nomination to the district boards, for the abolition of nomination to the municipalities and for the abolition of nomination to panchayats, etc. Now, Sir, to come forward at this late hour in the day and say that nomination is the proper principle, is really most astonishing and astounding. If it is really the idea that members of this House should have a place on the Board, there is no alternative but to say that they shall be elected by the House. Otherwise it is open to the House to say that there need be no members of this House on that body. Why two members from this House? Why not have three persons to be nominated by the Government? That will be more honest, more reasonable and more sound. Instead of saying *three members* of the Legislature nominated by the Government, you could have said *three persons* nominated by the Government. It may be members of this House or persons from outside or experts within India or outside India. I shall be very much pleased if you say that three persons shall be nominated by the Government according to their opinion of the propriety and fitness of the persons to be nominated. If you analyse the composition of the Board, there are already five officials on it and one other member who is an expert. And no question would come up before this Board unless and until it has gone through some one or other of these channels. Both the Ministers would have considered the matter, and the Surgeon-General, the Director of Public Health and the Sanitary Engineer would have considered the matter; that is, five out of the nine would have considered the matter; and it is such a thing that will be placed before the Board. Then what is the balance of opinion? If an independent opinion is to be secured, it is but logical and reasonable that it shall not be the nomination principle but it shall be the election principle. Nominated members associated with the Government are very often guided by the Government. It was so, and it will continue to be so. If these members are to be nominated, where is the interest affected? Independent opinion cannot be had from these members. It is not an executive body; it is only an advisory body. The section says that the Board 'shall advise the Government on such matters.

... as the Government may from time to time ... refer to it.' There the Government have discretion as to what matters should be referred to the Board. Even when a matter is referred to the Board it must have been considered by a majority of the people there, the officials and when they come there, they come with set opinions already. There will be the opinion of six members against the opinion of three; and if the opinion of these three at least is to be independent, they must be responsible to the House, not again to the Government of the day, whoever may be in power. And no responsibility would be secured except on the

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principle of election. I therefore venture to suggest, with all humility, that this is a retrograde step, even though the Select Committee might have considered it as reasonable and necessary. The amendment is sound and ought to be accepted. I therefore support the amendment."

* THE HON. DR. T. S. S. RAJAN:—"I have nothing to add to what I have already said. The idea of nomination is that through them the Legislature would be kept informed of the executive work of the Government, and in a House where all the members are elected I do not see where the necessity comes in for another election. Nomination is the best thing, if only with a view to give effective and useful advice to the Government. This point was fully debated upon and the balance of opinion was entirely in favour of nomination."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I wish to say a few words."

MR. SPEAKER:—"I am afraid the mover of an amendment has no right of reply."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I accept your ruling, Sir."

The amendment was put and lost.

The House then adjourned to meet again at 3 p.m. the next day.

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

* 1. Notification appended to G.O. No. 5668, Home, dated 26th November 1938, fixing the rates at which the tax shall be paid in respect of quarterly licences for motor vehicles plying for hire and used for the transport of passengers on the routes specified.

* 2. Notification appended to G.O. No. 5669, Home, dated 26th November 1938, fixing the rates at which the tax shall be paid in respect of motor vehicles specified in column 1 of the notification.

* Despatched to Members by post on 19th December 1938.

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APPENDIX I.

[Vide answer to starred question No. 588 asked by Sri K. R. Karant at the meeting of the Legislative Assembly held on the 17th January 1939, page 39 supra.]

Statement showing the chief items of materials with their values purchased for the Electricity Department from July 1937 to June 1938 and the countries from which they were purchased.

Serial number and description of materials.	England.	Scotland.	Germany.	Czechoslovakia.	Switzerland.	United States of America.	Belgium.	Poland.	Country of origin not known.
1 Steel poles tubular rail and joists	Rs. 1,87,400	Rs. ..	Rs. 1,82,800	Rs. 1,60,400	Rs. ..	Rs. ..	Rs. ..	Rs. ..	Rs. 1,52,100
2 Cables, conductors and accessories	2,23,700	..	19,500	..	..	32,000	..	..	..
3 Insulators and accessories	2,17,600	..	57,100	..	..	..	..	..	..
4 In-door and out-door switch gear and accessories	6,74,800	..	..	..	..	78,300	1,89,900	..	..
5 Transformers	5,82,900	..	..	..	..	..	..	..	..
6 Boilers and accessories	24,400	..	22,400	..	..	..	..	..	..
7 Telephone equipment	..	..	..	..	38,000	..	..	..	..
8 Meters	..	..	..	..	..	..	..	..	..
9 Electrically operated and remote controlled lowering and lifting gear	..	28,700	..	..	..	..	..	..	..
10 Electrically operated hoisting gear	..	22,000	..	..	..	..	..	..	..
11 Waterwheels and generators.	..	..	..	..	(a) 7,05,700	..	..	..	..
12 Penstock pipes, venturi meters, valves, etc.	..	..	..	..	..	..	..	(b) 10,95,400	..

(a) These materials were purchased from Switzerland by Contractors in England.
(b) Of these materials, penstock pipes were purchased from Poland by contractors in England.

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APPENDIX II.

[Vide answer to starred question No. 594 asked by Sri K. V. R. Swami at the meeting of the Legislative Assembly held on the 17th January 1939, page 45 supra.]

Scheme for intensive and concentrated leprosy work by the Leprosy Officers in the Madras Presidency.

At the Leprosy Conference held on the 26th February 1936, in the office of the Surgeon-General, it was decided to modify the present Leprosy scheme so that an intensive study of the disease in a few highly endemic areas may also be undertaken by the Leprosy Officers. A few days later when the Ad hoc Committee of the Red Cross Society met to scrutinize the Silver Jubilee proposals for leprosy relief measures in the Province it was resolved to request some of the District Silver Jubilee Committees which had allotted a certain sum of money for leprosy work to construct model clinics in highly endemic areas in their districts. These clinics will be constructed within the compound of the Government hospitals and they will form the centres of investigation, each centre being placed in charge of an experienced Leprosy Officer. The scheme was approved by the Madras Provincial Committee for leprosy relief at its meeting held in August 1936. Under this scheme the Leprosy Officers will in future do intensive work in the special units allotted to them, supervise the work in the districts in which their special units are located and if necessary give any help to the adjoining districts if occasion demands it.

2. The Chief Leprosy Officer from experience and from available figures is of opinion that the most heavily affected districts in the Province are: (1) Vizagapatam, (2) East Godavari, (3) West Godavari, (4) North Arcot, (5) South Arcot, (6) Madura and (7) Salem and next in order come (1) Chittoor, (2) Chingleput, (3) Tanjore, (4) Trichinopoly and (5) Malabar districts. Excluding the Chief Leprosy Officer, there are at present five Government Group Leprosy Officers, one Government Special Leprosy Officer for Salem district, two District Board Leprosy Officers and one special medical officer in Salem district. Thus there are ten Special Leprosy Officers in all functioning at present. This scheme will entail the regrouping of the districts for

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the Leprosy Officers and a redistribution of their duties. The distribution of the districts to the Leprosy Officers will be as follows:—

	Special centre at	Headquarters district.
1 Group I Leprosy Officer— Vizagapatam district	Anakapalle	Vizagapatam.
2 Group II Leprosy Officer— East Godavari district	Peddapuram	East Godavari.
3 District Board Leprosy Officer— West Godavari district	Tanuku	West Godavari.
4 Group III Leprosy Officer— North Arcot district and Chittoor district	Vellore	North Arcot.
5 Group IV Leprosy Officer— South Arcot district and Tanjore district	Villupuram	South Arcot.
6 Group V Leprosy Officer— Madura district and Trichinopoly district	Madura or Dindigul	Madura.
7 Salem district Leprosy Officer— Salem district	Sendamangalam or Salem	Salem.
8 Special Medical Officer— Peddinayakapalayam, Salem district	Peddinayakapalayam	Do.
9 District Board Leprosy Officer— Malabar district	Calicut	Malabar.

The Chief Leprosy Officer will, as at present, direct and supervise the work of the Leprosy Officers so as to ensure an uniformity in the investigation work and in the policy of the campaign. In addition to the above units Dr. Cochrane is organizing a special clinic for the study of leprosy among children at Saidapet and a clinic in the vicinity of Tirumani for the intensive study of methods of leprosy control among adults.

3. The duties of the Leprosy Officers in charge of the investigation units will be—

- (1) To develop anti-leprosy work in the prescribed area.
- (2) To do propaganda, detailed survey and follow-up work in that area, the survey to be in such details as they will be useful for comparison with periodical surveys done, say, quinquennially.
- (3) To examine all children in that area, especially school children and to follow them up and to observe contracts periodically.
- (4) To make an intensive study of the disease in relation to the local, social, economic, etc., factors.
- (5) To organize and run the clinic along model lines.
- (6) The model clinic will serve as a central laboratory for such of those clinics that have no laboratory equipment.
- (7) To train medical officers at this clinic.
- (8) To supervise the other clinics in the district especially those that require immediate attention.
- (9) All public servants in the headquarters district as well as in the adjoining districts who have had or are having leprosy will be under supervision of the Leprosy Officer concerned.

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(10) When visiting a clinic the Leprosy Officer will see that the villagewar statements are properly filled up and find out from which villages the patients are not coming to the clinic and will then report to the Health Officers concerned so that they may instruct their staff to do propaganda work in those places.

(11) The investigation unit area will be about four miles in radius. The Leprosy Officers will do intensive work for ten days in a month outside the investigation area to see clinics in the district. On the bi-weekly treatment days if he is absent from his headquarters, his clinic will be conducted by the medical officer in charge of the medical institution to which his clinic is attached. About one or two clinics will be missed by him in the course of a month.

All these officers in charge of the special units will undergo a 15 to 18 days' course of training in Leprosy at Tirumani.

The duties of the Chief Leprosy Officer will be as follows:—

- (1) Supervise the model leprosy clinic which is proposed to be constructed in the Rayapuram Government Hospital.
- (2) Organize the investigation units in the Presidency and periodically visit them to see that they are worked along proper lines, and co-ordinate the work of these centres.
- (3) Undertake the training of medical school students.
- (4) Discuss and plan out the work in the districts in consultation with the concerned District Medical Officer and Health Officer.
- (5) Arrange with the Medical Officer in charge of the Lady Willingdon Leper Settlement for periodical training courses of medical officers for a week.
- (6) Arrange for the proper treatment and observation of the public servants who are having or have had leprosy.
- (7) He will be in touch with the students who show signs of leprosy and make arrangements for their treatment or observation. He will also examine students for signs of leprosy.
- (8) Co-ordinate the returns of the treatment centres and draw the attention of the District Medical Officers and the Leprosy Officers to such of those that require attention.
- (9) Submit periodical reports to the Surgeon-General on the Leprosy Campaign and on the progress made at the special units.

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The co-operation of the following departments in the lines indicated below is required to make this scheme a success:—

- (i) *District Medical Officers.*—(1) They will give all facilities to the Leprosy Officers at the model clinics. As the model clinics will merely replace one of the existing clinics in some district the drugs and outfit which are being used for the existing clinics will be used for the model clinics also. Materials for the treatment of intercurrent diseases should also be placed at the disposal of the Leprosy Officers.
- (2) As the Leprosy Officers have only a nursing orderly to help them the medical officer in charge of the medical institution to which the clinic is attached give them some assistance by lending the services of compounders or any other menial staff without prejudicing the work in his institution.
- (3) The medical officers in charge of the medical institutions to which the special clinics are attached will do the treatment work on the days the Leprosy Officers are out on camp or on leave.
- (4) The medical officers will take action on any suggestion that the Leprosy Officer may make on the working of clinics in the district.
- (ii) *Public Health Staff.*—As the Leprosy Officers have to do intensive work in one area only, the propaganda around the clinics should be done by the Public Health staff. When a Leprosy Officer visits a clinic he will report to the Health Officer the places from which the patients are not coming and the Health Officer will direct his staff to do propaganda work in these villages.
- (iii) *Preliminary arrangements.*—(1) The Leprosy Officers will be directed at first to obtain all possible records about the incidence of leprosy in the proposed areas and to find out if there is better area where facilities exist.
- (2) They will follow up all the recorded cases and trace out any new cases in the villages.
- (3) They will undergo a course of training in the Lady Willingdon Leper Settlement at Tirumani.
- (4) The Collectors will be informed about the investigation units so that they may direct the village munsifs to give the necessary assistance to the Leprosy Officers.

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APPENDIX III.

[Vide answer to unstarred question No. 160 asked by Sri K. V. R. Swami at the meeting of the Legislative Assembly held on the 17th January 1939, page 55 supra.]

List of panchayat boards abolished during 1937.

Name of panchayat board, taluk and district.	Reasons
Agraharam-Koilpatti (Melur taluk, Madura district).	1 The panchayat board had not met at all and was not functioning. 2 The members of the board did not evince any interest in the administration.
L. Solapatti (Tirumangalam taluk, Madura district).	Elections could not be held due to the presence of factions in the village.
Oda patti (Periyakulam taluk, Madura district).	Elections could not be held and the entire village constituting the panchayat board was not in favour of having the panchayat.
Ganikepudi (Bapatla taluk, Guntur district).	For the reason that the villagers did not want a panchayat.
Lingayapalem (Guntur district)	For the reason that the villagers did not want a panchayat board.
Jaladi (Narasaraopet taluk, Guntur district).	For the reason that the panchayat board was not functioning since 1935 and as elections to the board could not be held.
Madinapadu (Palnad taluk, Guntur district).	For the reason that the villagers did not want a panchayat.
Edubadu Agraharam (Bapatla taluk, Guntur district).	For the reason that there are only four persons in the electoral roll and for the reason that the elections could not be held.
Voguru (Kandukur taluk, Nellore district).	Villagers are apathetic to have a panchayat board.
Muppavaram (Kandukur taluk, Nellore district).	That elections could not be held within the statutory period.
Gangulavari-Cheruvupalli (Udayagiri taluk, Nellore district).	Do.
Purimetla (Darsi taluk, Nellore district).	Do.
Ogidi (Tanuku taluk, West Godavari district).	Abolished and included within the jurisdiction of Ainaparru Panchayat Board.
Uppalapadu (Kandukur taluk, Nellore district).	Elections could not be held on account of extreme faction in the village.
Indukurpet Bit I (Nellore taluk, Nellore district).	Board not wanted by the people.
Velanganni (Negapatam taluk, Tanjore district).	The constitution was originally ill-advised. The panchayat board did nothing during the two years of its existence, no meetings were held, the land-cess income was only Rs. 30 and it collected licence fees and profession tax illegally.
Kovilur (Pattukottai taluk, Tanjore district).	Elections could not be held.
Anaivadapathi (Nannilam taluk, Tanjore district).	Do.
Pedamedapalli (Viravalli taluk, Vizagapatam district).	Elections could not be held on account of extreme faction in the village.
Lakkapuram (Viravalli taluk, Vizagapatam district).	The panchayat board was inactive.
Komaratchi (Chidambaram taluk, South Arcot district).	The village is torn by faction.

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List of panchayat boards abolished during 1937—cont.

Name of panchayat board, taluk and district.	Reasons.
Agilandapuram (Dharapuram taluk, Coimbatore district).	Do not want a panchayat.
Naduppalayam (Dharapuram taluk, Coimbatore district).	The panchayat has done nothing to justify the existence and the villagers do not want it.
Veeranampalayam (Dharapuram taluk, Coimbatore district).	Do.
Lakkanahalli (Kollegal taluk, Coimbatore district).	The villagers do not want a panchayat.
Thookanaickenpalayam (Gobichettipalayam taluk, Coimbatore district).	Do.
Kondinayakanahalli (Hospet taluk, Bellary district).	Elections not held and residents did not want a separate panchayat board. The village was extremely factious.
Hissarmurvan (Adoni taluk, Bellary district).	The residents were not in favour of a panchayat board.
Halaharvi (Alur taluk, Bellary district).	Elections to the panchayat board proved abortive.
Karur (Siruguppa taluk, Bellary district).	The villagers were unwilling to have a panchayat board.
Karivena (Nandikotkur taluk, Kurnool district).	Elections to the panchayat board could not be conducted.
Talamudipi (Nandikotkur taluk, Kurnool district).	Elections could not be held to the panchayat board.
Dudyala (Nandikotkur taluk, Kurnool district).	The villagers did not want a panchayat board.
Miduturu (Nandikotkur taluk, Kurnool district).	There is a railway colony in the panchayat limits.
Gopavaram (Nandyal taluk, Kurnool district).	Time expired—Special officers.
Sivanvoyal, Perathur, Ramathandalam, Kilanur, Ammanambakkam, Salai (Tiruvallur taluk, Chingleput district).	Time barred—Special officers.
Bathalavalam, Puduerumaivettipalayam, Melmudalambedu (Ponneri taluk, Chingleput district).	Not functioning.
Alinjivakam (Tiruvallur taluk, Chingleput district).	Not served any useful purpose.
Ayalcheri (Tiruvallur taluk, Chingleput district).	Working under a time-barred special officer.
Budur (Ponneri taluk, Chingleput district).	Finances poor; working under a time-barred special officer.
Kathivakkam (Saidapet taluk, Chingleput district).	Not functioning.
Kurambakkam, Koduveli, Singilikupam, Annadanakavakkam (Tiruvallur taluk, Chingleput district).	Villagers do not want a panchayat.
Ramagiri (Tiruvallur taluk, Chingleput district).	Villagers are averse to the idea of reservation of seats for Adi-Dravidas.
Perandur (Tiruvallur taluk, Chingleput district).	Elections not held within the statutory period, poor land-cess income.
Tervell (Ponneri taluk, Chingleput district).	Several elections to the panchayat failed.
Jagatab (Krishnagiri taluk, Salem district).	Villagers do not want a panchayat.
Natrampalayam (Hosur taluk, Salem district).	Members do not want a panchayat.
Nallarapalli (Hosur taluk, Salem district).	Villagers do not want a panchayat.
Karivellur (Chirakkal taluk, Malabar district).	Do.
Muthuthata (Walluvanad taluk, Malabar district).	Included within the jurisdiction of the Vishamangalam Panchayat Board.
Anganathavalasai (Tirupattur taluk, North Arcot district).	

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List of panchayat boards abolished during 1937—cont.

Name of panchayat board, taluk and district.	Reasons.
Puashpagiri (Polur taluk, North Arcot district).	Included within the jurisdiction of the Santhavasal Panchayat Board.
Dhavalaveerampatti (Kulittalai taluk, Trichinopoly district).	Inactive ever since its constitution and its members indifferent to its administration owing to bitter factions in the village.
Peruvalappur (Lalgudi taluk, Trichinopoly district).	Villagers vehemently opposed to the formation of a panchayat board owing to factions in the village.

List of panchayat boards superseded.

Kazh (Divi taluk, Kistna district)	Superseded because of execution of works without calling for tenders and by splitting up of estimates to avoid scrutiny by the Engineering staff—writing off of panchayat funds without obvious reasons—abuse of power in sale of fishery rights especially after the intimation of the acceptance of a previous tender for a higher amount had been issued—abuse of power by the panchayat board by confirming the alleged sale of a live tree which the president himself cut and gave to the village munsif to win him over to his side—hoaxed deposit of panchayat funds in the postal savings bank and temporary misappropriation of panchayat funds—very bad collection work—absolute lack of control over collection staff, the president and the members themselves being in arrears—neglect of sanitation and lighting—failure to remove encroachments.
Allavaripalem (Repalle taluk, Guntur district).	Superseded for the reason that the board was not functioning—the president misappropriated the funds and was absconding and the vice-president tendered his resignation.
Enugupalem (Vinukonda taluk, Guntur district).	Superseded for the reason that the board re-elected a removed president.
Gundugolanu Panchayat Board (Ellore taluk, West Godavari district).	Extreme faction in the board—budget for 1937-38 was not passed and complete deadlock in the administration.
Korukollu (Bhimavaram taluk, West Godavari district).	Extreme faction and deadlock in the administration.
Rayakuduru (Bhimavaram taluk, West Godavari district).	Extreme faction that exists in the board.
Pulla Panchayat Board (Ellore taluk, West Godavari district).	Deadlock in the administration owing to the opposition party moving for adjournment of every meeting convened by the president

List of panchayat boards dissolved during 1937.

Maddur (Kovvur taluk, West Godavari district).	Extreme faction and deadlock.
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APPENDIX IV.

[Vide answer to unstarred question No. 161 asked by Sri V. C. Palaniswami Goundar at the meeting of the Legislative Assembly held on the 17th January 1939, page 56 supra.]

Statement I—1936-37.

Statements showing the number of applications received talukwar from local fund contractors, the dates of receipt, the dates of disposal and the cases in which the contractors were fined.

Taluk.	Number of cases.	Date of application.	Date of disposal.	Cases in which local fund contractors were fined.
(1)	(2)	(3)	(4)	(5)
Avanashi	..	..	..	..
Bhavani	..	..	..	..
		6th April 1936.	9th April 1936.	..
		15th April 1936.	28th April 1936.	..
		27th April 1936.	19th May 1936.	..
		14th May 1936.	8th July 1936.	..
		26th May 1936.	10th July 1936.	..
		4th June 1936.	19th June 1936.	..
		6th June 1936.	16th August 1936.	..
		13th June 1936.	30th June 1936.	..
		18th June 1936.	29th June 1936.	..
		19th June 1936.	30th June 1936.	..
		8th July 1936.	25th July 1936.	..
		9th July 1936.	16th July 1936.	..
		15th July 1936.	23rd July 1936.	..
		Do.	Do.	..
		16th July 1936.	Do.	..
		21st July 1936.	25th July 1936.	..
		22nd July 1936.	23rd July 1936.	..
		23rd July 1936.	30th August 1936.	..
		Do.	7th September 1936.	..
		30th July 1936.	3rd September 1936.	..
		4th August 1936.	24th September 1936.	..
		Do.	15th August 1936.	..
Coimbatore	.. 54	6th August 1936.	30th August 1936.	..
		7th August 1936.	13th August 1936.	..
		10th August 1936.	6th September 1936.	..
		11th August 1936.	13th August 1936.	..
		13th August 1936.	20th August 1936.	..
		Do.	19th August 1936.	..
		14th August 1936.	Do.	..
		1st September 1936.	3rd September 1936.	..
		4th September 1936.	22nd September 1936.	..
		17th September 1936.	30th September 1936.	..
		18th September 1936.	17th December 1936.	..
		30th September 1936.	18th November 1936.	..
		8th October 1936.	18th October 1936.	..
		Do.	13th October 1936.	..
		20th October 1936.	22nd October 1936.	..
		21st October 1936.	4th November 1936.	..

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Taluk.	Number of cases.	Date of application.	Date of disposal.	Cases in which local fund contractors were fined.
(1)	(2)	(3)	(4)	(5)
Coimbatore—cont.	51	28th October 1936.	5th November 1936.	..
		12th November 1936.	27th November 1936.	..
		14th November 1936.	15th December 1936.	..
		26th November 1936.	3rd December 1936.	..
		4th December 1936.	4th February 1937.	..
		14th December 1936.	5th February 1937.	..
		17th December 1936.	18th December 1936.	..
		5th January 1937.	28th January 1937.	..
		14th January 1937.	Do.	..
		15th January 1937.	Do.	..
		26th January 1937.	16th March 1937.	..
		Do.	23rd March 1937.	..
		29th January 1937.	31st January 1937.	..
		9th February 1937.	9th February 1937.	..
		24th February 1937.	24th February 1937.	..
		15th March 1937.	1st April 1937.	..
Dharapuram.	Nil.			
Erode	1	16th January 1937.	21st May 1937.	..
Gobichettipalayam.	1	10th February 1937.	28th April 1937.	..
Kollegal	Nil.			
Palladam	9	27th April 1936.	3rd June 1936.	..
		20th June 1936.	7th July 1936.	..
		Do.	Do.	..
		18th September 1936.	4th November 1936.	..
		19th October 1936.	5th November 1936.	..
		28th November 1936.	2nd December 1936.	..
		7th December 1936.	27th January 1937.	..
		11th December 1936.	8th January 1937.	..
		2nd February 1937.	10th March 1937.	..
		11th December 1937.	12th December 1937.	..
		28th January 1937.	13th March 1937.	..
		2nd February 1937.	27th May 1937.	..
Pollachi	3	11th May 1936.	6th June 1936.	..
		18th May 1936.	Do.	..
		23rd June 1936.	4th August 1936.	..
		13th July 1936.	1st August 1936.	..
Udamalpet	6	23rd February 1937.	9th March 1937.	..
		6th February 1937.	7th April 1937.	..
		1937.		..

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Statement II—1937-38.

Taluk.	Number of cases.	Date of application.	Date of disposal.	Cases in which contractors were fined for quarrying before receipt of permits.
(1)	(2)	(3)	(4)	(5)
Avanashi	6	2nd February 1938.	4th February 1938.	..
		10th March 1938.	19th March 1938.	..
		1st May 1937.	25th August 1937.	..
		27th May 1937.	25th August 1938.	..
		6th December 1937.	26th January 1938.	..
		24th December 1937.	17th February 1938.	..
Bhavani	2	31st August 1937.	12th September 1937.	..
		8th January 1938.	5th February 1938.	..
Coimbatore	30	9th April 1937.	17th June 1937.	..
		28th April 1937.	30th June 1937.	..
		7th May 1937.	17th June 1937.	..
		14th May 1937.	30th June 1937.	..
		4th June 1937.	28th June 1937.	..
		15th June 1937.	17th June 1937.	..
		Do.	Do.	..
		22nd June 1937.	30th June 1937.	..
		16th June 1937.	Do.	..
		24th June 1937.	2nd August 1937.	..
		25th June 1937.	21st July 1937.	..
		29th June 1937.	30th June 1937.	..
		5th July 1937.	11th August 1937.	..
		6th July 1937.	18th July 1937.	..
		7th July 1937.	30th August 1937.	..
		Do.	3rd September 1937.	..
		9th July 1937.	19th July 1937.	..
		15th July 1937.	6th August 1937.	..
		16th July 1937.	23rd September 1937.	..
		16th August 1937.	7th September 1937.	..
Dharapuram.	Nil.	18th August 1937.	7th October 1937.	..
		25th September 1937.	8th November 1937.	..
		28th September 1937.	1st November 1937.	..
		2nd October 1937.	8th November 1937.	..
		12th October 1937.	23rd October 1937.	..
		16th October 1937.	25th October 1937.	..
		21st December 1937.	4th March 1938.	..
		21st March 1938.	24th March 1938.	..
		Do.	Do.	..
		24th March 1938.	25th March 1938.	..

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Taluk.	Number of cases.	Date of application.	Date of disposal.	Cases in which contractors were fined for quarrying before receipt of permits.
(1)	(2)	(3)	(4)	(5)
Erode ..	5	9th April 1937.	1st May 1937.	..
		20th July 1937.	6th October 1937.	..
		22nd July 1937.	21st August 1937.	..
		12th August 1937.	30th September 1937.	..
Gobichetti-palayam.	4	10th February 1938.	11th February 1938.	..
		26th April 1937.	2nd June 1937.	One case. The contractor did not apply for permit.
		16th August 1937.	6th October 1937.	
		21st October 1937.	14th November 1937.	
Kollegal ..	3	8th January 1938.	5th February 1938.	
		2nd August 1937.	23rd December 1937.	These applications were withdrawn by the Local Fund section officer and no permit was issued in the three cases. Fines were imposed on the contractors.
		Do.	Do.	
		Do.	Do.	
Palladam ..	8	2nd April 1937.	21st May 1937.	..
		5th April 1937.	Do.	Three cases.
		6th April 1937.	Do.	..
		7th May 1937.	11th June 1937.	..
		15th September 1937.	12th February 1938.	..
		25th September 1937.	15th October 1937.	..
		3rd March 1938.	28th March 1938.	..
		29th March 1938.	9th April 1938.	..
Pollachi ..	5	24th August 1937.	30th August 1937.	..
		20th August 1937.	10th September 1937.	..
		2nd July 1937.	Do.	..
		4th September 1937.	4th October 1937.	..
Udamalpet ..	3	4th January 1938.	24th January 1938.	..
		1st June 1937.	20th June 1937.	..
		7th June 1937.	30th June 1937.	..
		30th June 1937.	26th July 1937.	..

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APPENDIX V.

[Vide answer to unstarred question No. 167 put by Sri S. Nagappa at the meeting of the Legislative Assembly held on the 17th January 1939, page 58 supra.]

Nature of scholarship and class or form in which available.

Names of boys whom headmasters recommended during 1938-39.

I. For classes 4 and 5—
General scholarship—1.

- (1) K. John, Class IV—Board High School, Markapur.
- (2) S. John, Class V—Board High School Markapur.

II. For Form I—
General scholarships—4

- (1) P. Sivaramudu, Form I—Municipal High School, Kurnool.
- (2) G. Chendrasekhara Sastri, Form I—Municipal High School, Kurnool.
- (3) N. Ch. Naganna, Form I—Board High School, Atmakur-Kurnool.
- (4) S. Lakshumayya, Form I—Board High School, Atmakur-Kurnool.
- (5) S. M. Salcha, Form I—Board High School, Markapur.
- (6) B. G. Narayana, Form I—Board Middle School, Peapalli.

III. For Form I—
Special for all Muham-
madans—1.

- (1) G. Abdul Jabbar, Form I—Municipal High School, Kurnool.
- (2) S. Mahaboob Peer, Form I—Board High School, Markapur.
- (3) P. Ghouse Khan, Form I—S.P.G. High School, Nandyal.
- (4) Abdur Rahiman, Form I—Government Muhammadan High School, Kurnool.
- (5) Yusuf Ali Khan, Form I—Government Muhammadan High School, Kurnool.
- (6) Amiruddin, Form I—Government Muhammadan High School, Kurnool.
- (7) Abdus Salaam, Form I—Government Muhammadan High School, Kurnool.
- (8) K. Muhammad Khan, Form I—Municipal Muhammadan Middle School, Nandyal.
- (9) Khadir Vali, Form I—Municipal Muhammadan Middle School, Nandyal.
- (10) Thakkalapalli Papa Saheb, Form I—Board Middle School, Peapalli.
- (11) Patan Ali Khan, Form I—Board Middle School, Peapalli.

N.B.—All these names were considered also for general scholarships shown as item II above.

IV. For Form I—
Special for Adi-Dravi-
das, Adi-Andhras and
Aboriginal and
Criminal classes.
Christians—1.

- (1) D. Jacob, Form I—Board High School, Markapur.
- (2) Vonguri James, Form I—Board High School, Markapur.
- (3) N. Azariah Devasahayam, Form I—S.P.G. High School, Nandyal.
- (4) N. James Vistor, Form I—S.P.G. High School, Nandyal.

N.B.—All these names were considered also for general scholarships shown as item II above.

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Nature of scholarship and class or form in which available.

Names of boys whom headmasters recommended during 1938-39.

V. For Form IV—

General—I

- (1) Mahabhoob Saheb, Form IV—Municipal High School, Kurnool.
- (2) C. Venugopal Sarma, Form IV—Municipal High School, Kurnool.
- (3) Muhammad Murthuza Saheb, Form IV—Board High School, Atmakur.
- (4) G. S. Naganna, Form IV—Board High School, Atmakur.
- (5) Ch. Pullayya, Form IV—Board High School, Markapur.
- (6) Adi Mulapu Ramaswami, Form IV—Board High School, Markapur.
- (7) Ch. Jaganmayukulu, Form IV—Board High School, Markapur.
- (8) Muhammad Ibrahim Khan, Form IV—Government Muhammadan High School, Kurnool.
- (9) Muhammad Ishque, Form IV—Government Muhammadan High School, Kurnool.
- (10) K. M. Khaja Hussein, Form IV—Government Muhammadan High School, Kurnool.
- (11) Muhammad Madar, Form IV—Government Muhammadan High School, Kurnool.
- (12) R. Joseph, Form IV—Coles Memorial High School, Kurnool.
- (13) R. Moodi, Form IV—Coles Memorial High School, Kurnool.
- (14) A. Subhakar Rao, Form IV—Coles Memorial High School, Kurnool.
- (15) A. Abdul Sattar, Form IV—Coles Memorial High School, Kurnool.
- (16) G. Charles, Form IV—Coles Memorial High School, Kurnool.

VI. Fresh award consequent upon forfeiture of the scholarship by the previous holder—

Form IV, General—I.

All the applications noted above (vide Item V) were considered.

VII. Fresh award consequent upon forfeiture of the scholarship by the previous holder—

Form VI, General—I.

- (1) S. Ramachandra Rao, Form VI—Municipal High School, Kurnool.
- (2) G. Daniel, Form VI—Board High School, Markapur.
- (3) B. Devadoss, Form VI—S.P.G. High School, Nandyal.

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APPENDIX VI.

[Vide answer to unstarred question No. 169 put by Sri K. V. R. Swami at the meeting of the Legislative Assembly held on the 17th January 1939, page 59 supra.]

STATEMENT.

1. Central Jail, Rajahmundry.

(1) The net income derived from garden produce during the last five years was as follows:—

	RS.	A.	P.
1933	2,995	10	1
1934	3,411	4	9
1935	4,209	13	1
1936	4,110	5	9
1937	3,231	2	0

(2) The nature of vegetables raised was as follows:—

Thandu greens (white variety and red variety), roselle (red variety), roselle II variety (Gonkura), Chooka greens, spinach, arraikeerai, dhall-greens, radish, tapioca, sweet potatoes, yams (large variety), yams (betel variety), pumpkins (yellow and ash), vegetable marrow, cucumbers, bottle gourds, snake gourds, ridge gourds, bitter gourds, sword beans, Golconda beans, lima beans, country beans, bunch beans, brinjals, green plantains, okra.

English vegetables: Beet-root, knol-khol, cauliflower, etc., in small quantities.

2. Central Jail, Vellore.

(1) The net income derived from garden produce during the last five years was as follows:—

	RS.	A.	P.
1933	3,239	13	5
1934	4,524	11	3
1935	4,304	0	0
1936	4,016	1	10
1937	4,185	3	10

(2) The nature of vegetables raised was as follows:—

Almost all varieties of country vegetables such as brinjals, snake gourds, gourds, ridge gourds, yams, beans, onions, radish, bunch beans, drum sticks, tapioca, papaya, pumpkins, sword beans, ladies' fingers, plantains.

Greens: Parupukeerai, pulichakeerai, thandukeerai, spinach, arraikeerai.

English vegetables: Cabbages, knol-khol, tomatoes, red radish, cauliflower, carrots, are all grown in the jail garden.

[17th January 1939]

3. *Central Jail, Trichinopoly.*

(1) The net income derived from garden produce during the last five years was as follows:—

	RS.	A.	P.
1933	—	231	15 6
1934	3,243	5	2
1935	5,225	13	11
1936	4,404	2	3
1937	3,263	6	3

(2) The nature of vegetables raised was as follows:—

Vegetables such as radish, bunch beans, ladies' fingers, sword beans, pumpkin, brinjals, vegetable marrow, bottle gourds, sponge gourds, snake gourds, sweet potatoes, green plantains, tomatoes, cabbage, knol-khol, beet-root, cauliflower, beans of varieties and greens of varieties.

4. *Central Jail, Coimbatore.*

(1) The net income derived from garden produce during the last five years was as follows:—

	RS.
1933	4,220
1934	4,813
1935	5,627
1936	5,839
1937	5,238

(2) The nature of vegetables raised was as follows:—

Hot season: Radishes, brinjals, bendis or ladies' fingers, country beans, green plantains, bunch beans, long-beans, angle gourd, bitter gourd, tomatoes.

Green: Thandu greens, chukka greens, dhal greens, rozelli, spinach creeper variety, spinach ordinary variety, ara greens.

Cold season: Cabbages, knol-khol, beet-root, turnips, carrots, lettuce, red radishes, tomatoes, pumpkins, ash pumpkins, water gourd, snake gourd, butter beans, besides all country vegetables referred to above.

Greens: All varieties of greens as noted above.

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5. *Penitentiary.*

(1) The net income derived from garden produce during the last five years was as follows:—

	RS.	A.	P.
1933	576	8	1
1934	634	9	0
1935	567	5	3
1936	767	12	0
1937	898	4	8

(2) The nature of vegetables raised was as follows:—

Thandoo greens, dhal greens, rozelli, coconuts, mangoes, plantains, tomatoes, pumpkins, ash pumpkins, spinach and radish.

6. *Central Jail, Cannanore.*

(1) The net income derived from garden produce during the last five years was as follows:—

	RS.	A.	P.
1933	1,356	13	0
1934	1,651	5	4
1935	2,741	0	2
1936	3,489	2	0
1937	4,233	4	10

(2) The nature of vegetables raised was as follows:—

Greens, ladies' fingers, snake gourds, brinjals, bitter gourds, ridge gourds, cucumber, calabash, sword beans, ash pumpkins, red pumpkins, tapioca, sweet potatoes, radish, mangoes, jacks, papayas, yams, plantains and tomatoes.

7. *Central Jail, Salem.*

(1) Net income derived from garden produce during the last five years was as follows:—

	RS.	A.	P.
1933	4,268	9	1
1934	4,179	7	2
1935	4,082	5	6
1936	4,062	3	11
1937	3,666	3	10

(2) The nature of vegetables raised was as follows:—

Radish, brinjals, pumpkins, snake gourds, sweet gourds, bottle gourds, papai, plantains, marrows, melons, beans, ladies' fingers, tomatoes, calabash, yams, knol-khol, cabbage, beetroot, cauliflower, carrots, greens (thandu greens, spinach, dhal greens, lettuce).

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8. Central Jail, Bellary.

(1) The net income derived from garden produce during the last five years was as follows:—

	RS.	A.	P.
1933	2,163	9	1
1934	2,452	5	2
1935	2,877	15	7
1936	2,097	2	5
1937	1,956	5	1

(2) The nature of vegetables raised was as follows:—

Brinjals, ladies' fingers, spinach greens of sorts (thandu, chukka, parupu, chakrovarti, rozelli, etc.), tomatoes, cucumbers of sorts, gourds of sorts (snake bitter, angle and bottle), pumpkins (red and ash), vegetable marrow, cauliflower, radish, knol-khol, carrots are the several varieties of vegetables raised in the jail garden.

9. Central Jail, Vizagapatam.

(1) The net income derived from garden produce during the last five years was as follows:—

	RS.
1933	1,770
1934	1,578
1935	1,470
1936	1,105
1937	1,154

(2) The nature of vegetables raised was as follows:—

Country radish, snake gourds, ladies' fingers, pumpkins (both sorts), calabashes, brinjals, ribbed gourds, country beans, cluster beans, papaya and greens of variety.
English: Tomato and knol-khol.

The net income shown above does not include charges for convict labour as all supplies from the garden are made to the jail free of cost with reference to rule 677, Jail Manual.

[17th January 1939]

APPENDIX VII.

[Vide answer to unstarred question No. 176 asked by Sri K. V. R Swami at the meeting of the Legislative Assembly held on the 17th January 1939 at page 64 supra.]

List of villages.

Serial number and name of district.	Name of taluk.	Name of village.
1 North Arcot	Ranipet	Mottur, hamlet of Marudambakkam. Puddur, hamlet of Ponnai. Peria Oddaneri, hamlet of Ponnai. Chengalnatham cheri. Kuppagalmedu, hamlet of Sengalatham.
		Thappur. Kuppam, hamlet of Uriyur. Ayyal. Pallur. Kattupakkam.
	Vellore	Abdullapuram. Agamedu, hamlet of Thorappadi. Siruvathalipuram, hamlet of Pennathu. Kanikiniyan. Mothakkal.
		Cheyyar
	Wandiwash	Velianallurcheri. Vayalur. Azhivadithangai cheri. Vinnamangalam. Enadavadi. Birudur. Amanampakkam. Madam, hamlet of Theyyur. Bilugampoondi, hamlet of Desur. Sugathur.
		Chengam
	Arni	Pudur. Arathavadi. Iranganai. Chekkadi. Jambodai. Navalkollai, hamlet of Perungalathur. Erikuppam, hamlet of Vadugasathu. Malayamporavadai, hamlet of Devikkurpuram.
		Polur
	Tiruvannamalai	Mynental cheri. Kungathithangal. Muruganathal. Kuruvimalai. Vinmanampat. Sembakathope. Chetpet. Mukurumbi.
		Tiruppattur
	Gudiyattam	Alliyandal. Isukalikatteri. Angumam. Vaippur. Sorathur and Zaminkallai. Agaram. Kurusilapet. Kalgudi, hamlet of Kurusilapet. Routhampatti, hamlet of Adiyur. Chinnarampatti. Pernambut. Darapadavedu. Errukambut.

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Serial number and name of district.	Name of taluk.	Name of village.
2 Kurnool ..	Cumbum ..	Kakarla. Errabalem. Thurimilla. Gundala. Kothacheruvu. Gutupalli. Kakaravada. Chennampalli. Ramavaram. Markapur ..
	Dhone ..	Chitna Arutla. Thokapalli. Bhoopathipalli. Vomulakota. Nandikotkur ..
	Koilkuntla ..	Pocheruvu. Naguluti. Sangamawaram. Nandyal ..
	Markapur ..	Anupur. Chabole. Maddur. Pattikonda ..
	Nandikotkur ..	Ratana. Byluppala. Khyruppala. Chagalmarry. Ahobilum. Kurnool ..
	Nandyal ..	Polukal. Varukur. Gadidamadugu.
3 Guntur ..	Guntur ..	Enamadala. Budampad. Katrapadi. Uppalapadi. Gottipad. Vatticherukur. Koyavaripalem. Ravela. Repalle ..
	Repalle ..	Adevipalem. Nizampatam. Uppudi. Gundlapalli, hamlet of Arumbaka. Rajolu. Nallurpalem. Tenali ..
	Tenali ..	Vernur. Govada. Vamanaguntapalem, hamlet of Koditadiparru. Panchalavaram. Mandur. Alapadu. Sattenapalli ..
	Sattenapalli ..	Chagantivaripalem, hamlet of Mupala. Pakalapadu. Garnepudi, hamlet of Pedamakkona. Chinamakkona Agraharam. Amaravathi. Yerraguntlapad. Ongole ..
	Ongole ..	Madanur. Ethamukkala. Allur. Rachavaripalem. Bhimavaram. Kolehanakota. Velampalli. Chadalavada.

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Serial number and name of district.	Name of taluk.	Name of village.
3 Guntur—cont ..	Bapatla ..	Adipudi. Kessavarappadu. Pallapadu. Vangipuram. Yedubad. Upputur. Paruchur.
	Vinukonda ..	Nagireddipalli, hamlet of Chintalacheruvu. Lingamukkalapalli, hamlet of Chintalacheruvu. Uppalapadu. Peddavaram. Pedakanacherla. Tallapadu. Sivapuram.
	Narasaraopet ..	Guttipadu. Yeddanapudi. Polur. Chejerela. Chilakalurpet. Sankurathiripadu.
	Gurazala ..	Gangireddipalli, hamlet of Machavararam. Daida. Kothapalli. Kambhampadu. Kakirala, hamlet of Kolegutla. Dachepalli.
4 East Godavari..	Amalapuram ..	Balusatippa, hamlet of Brahmasamedyam. Pandi and Pallam, hamlet of Kandikuppa. Vasalatippa, hamlet of Challapalli. Chirrayanam village proper. Pallipalem, hamlet of Chirrayanam. Bhyrayapalem, hamlet of Cuttendevi. Peruru.
	Cocanada ..	Gadimoga, hamlet of Mallavaram. Pedaboddu, Venkatayapalem, hamlet of Coringa. China Boddovenkatayapalem, hamlet of Coringa. Mallavaram village proper. Challangi.
	Peddapuram ..	Chillangi. Katravulapalli. Mallisala. Rayabhappalapattanam. Vadisileru. Sarbhavaram. Zamin Rangampetah. Rajapudi. Somavaram panchayat. Uttapakanchi.
	Pithapuram ..	Chebrolu. Rapaithi. Vannipudi.

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Serial number and name of district.	Name of taluk.	Name of village.
4 East Godavari —cont.	Rajahmundry ..	Gokavaram. Pallakadim, hamlet of Kanavaram. Velugubanda. Narasapuram. Kateru. Kavalagoyya, hamlet of Rajahmundry. Thokada. Kalavacherla. Mallavaram. Sruranpuram, hamlet of Palacherla village. Dowlaiswaram.
	Tuni	K. Chinayyapalem. Bodavaram. Pydikonda. Tondangi.
	Ramachandrapuram.	Biccavole. Draksharama Panohayat. Chodavaram. Mulastanam, hamlet of Jannada. Dwarapudi, Vemulapalli, Z. Modapadu and Kotipalli.
	Razole	Antervedi village proper. Vaddiparu. Nidhi, hamlet of Antervedi. Narikoditille village proper. Mori. Gudimollalanka.
	Bhadrachalam ..	Bhadrachalam.
5 West Godavari.	Chintalapudi ..	Chintampalli. Settivarigudem. Sibapuram, hamlet of Yondapalli. Namavaram. Gollagudem, hamlet of Pragasavaram. Ramannagudem. Ramannapalem.
	Ellore	Sreeparru. Kalakurru. Chottinnapadu. Kalaparru. Malasanigunta. Sattenagudem. Ramasingavaram.
	Tadepalligudem ..	Golagudem, hamlet of Kadakatta. Avapadu. Prakasaraopalem. Telikicherla. Jagannapeta. Kadiyedda. Kondrupolu.
	Kovvur	Achayapalem, hamlet of Devarapalli. Decherla. Padimetta. Kovvurupadu. Yerugudem (Malapalli). Bhushayapalem, hamlet of Devarapalli. Nimmalegudem.
	Tanuku	Muppartipadu. Kaktileuru. Polamur.

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Serial number and name of district.	Name of taluk.	Name of village.
5 West Godavari —cont.	Bhimavaram ..	Nagidipalem, hamlet of Losarygutlapadu. Gollavanitippa, hamlet of Losarygutlapadu. Gutlapadu, hamlet of Losarygutlapadu. Kalavapudi. Siddapuram. Mahadevapatnam. Rayakuduru.
	Narsapur	Biyyapputippa, hamlet of Vemuladevi. Marritippa, hamlet of Vemuladevi. Pathapadu, hamlet of Kalipatnam. Pasaladevi, hamlet of Linganaoboyicherla. Modi. Lankalakoderu.
6 Anantapur ..	Anantapur ..	Murikeencellapalli, hamlet of Yerragunta. Janthalur. Reddipalli. Kuderu.
	Kalyandrug ..	Ankampalli. Mulakanur. Yatakal. Duddekunta. Eradikera.
	Gooty	Nagasamudram. Pathakothacheruvu. Kassapuram. Peddavadugur. Kottalapalli, hamlet of Velpumadugu. Veligonda. Donekal. Gadekal. Ponnobalam. Hanchanabal. Haviligi. Nimbagal.
	Tadpatri	Vanganur. Garuguchintalapalli.
	Dharmavaram ..	Ramagiri. Nagasamudram. Peddakotla. Pichtreddikottala, hamlet of Perur.
	Kadiri	Kondaguttapalli. Erradooddi. Vellamaddi.
	Penukonda ..	Nambulapulikunta. Peddamanathur. Mangalamadaka. Kogira. Mavatur.
	Hindupur ..	Somandepalli. Somagatta. Kodur. Aramakulapalli, hamlet of Tekaledu. Peddaredipalli, hamlet of Kodigana-halli.
	Madakasira ..	Guddampalli, hamlet of Gollapuram. Bullasamudram. Chandakacherla. Hirethurpi. Sugalihalli, hamlet of Manur. Yagavagundumala, hamlet of Melavai. Ravudi.

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Serial number and name of district.	Name of taluk.	Name of village.
7 Chingleput	Saidapot ..	Korattur Agraharam.
		Polai.
		Tiruvonmiyur.
		Virugambakkam.
		Kadiivedu.
	Sathiavedu ..	Poovlambodu.
		Kavaraipettai, hamlet of Kilmudalam-bedu.
		Ballutrakandigai, hamlet of Arambakkam.
		Thirukachur.
		Senneri.
	Chingleput range.	Perur, hamlet of Nommeli.
		Palavoli cheri.
		Agaram Duli.
		Olugarai cheri.
		Elanagar.
	Conjeevaram range.	Perungoli.
		Mamandur.
		Kadappert.
		Cheyur.
		Sikkinkuppam.
	Madurantakam range.	Sendamangalam.
		Manimangalam.
		Pondur.
		Melpadappal.
		Othikadu.
	Sriperumbudur range.	Pondur Kandigai.
		Pulrambakkam.
		Solai.
		Irulapattu.
		Kilamoni.
	Tiruvallur range.	Vadakkunallur.
		Ramakuppam.
		Vallimalai.
		Thondavada.
		Vadamalpet.
8 Chittoor	Ponneri range ..	Molupoodi (Soorakyalapetta).
		Pathaveorapuram.
		Chinthaparthi.
		Burnakoyalakota.
		Bodivaripalle.
	Palmaner ..	Panatoor Malapalle.
		Mahaseenamudram cheri.
		Jeedimakulapalle, hamlet of Kongavendlapalle.
		(Kuppam division) Thumsee.
		Chekkandlapalle.
	Punganur ..	Valasarapalle, hamlet of Mushtur.
		Bodumallavaripalle.
		Thukivakam.
		Chembeducheri.
		Mangadu Malavada.
	Madanapalle ..	Allipulagunta.
		Egavadodinatham.
		Gundlakattamanchi Malapalle.
		Mallanur.
		Peddapanjani.
	Punganur ..	Pedlatippasamudram Malapalle.
		Guderevupalle of Merrimakulapalle.
		Thandlam.
		Pullur.
		Rajakumaravenkataperumalrajababudurvaripet.
	Chittoor ..	Kanakamachatram.
		Nekkimpet, hamlet of Venugopalakrishnapuram.
	Tiruttani ..	

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Serial number and name of district.	Name of taluk.	Name of village.
8 Chittoor—cont.	Palmaner ..	Mogili.
		Casikapalle.
		Royalpeta.
		Nimmanapalle.
		Guttapaliyam.
	Punganur ..	Mallangunta.
		Pellamala.
		Kovanur.
		Cheevada.
		Peddasettipalle.
	Madanapalle ..	Pavadavasivooru.
		Kanchibandrallapalle of Kanamana-palle.
		Chinnampalle, hamlet of Sonnepalle.
		Nerabylu.
		Kalicherla.
	Chendragiri ..	Damalcheruvu.
		Urandoor.
		Padiri Malavada.
		Nidiemeheri.
		Thungundram Malapalle.
	Kalahasti ..	Peddamalbla, hamlet of Nadipalle.
		Kuppuchendrapeta.
		Velavedu.
		Kalaipalle, hamlet of Varathoor.
		Keepaliyam.
9 South Arcot ..	Chittoor ..	Choluru Malavada.
		Bandapalle, hamlet of Muthireval.
		Pothapoliem.
		Pillali.
		Siruvattur.
	Chidambaram ..	Tiruvadi.
		Torappadi.
		Kadampuliyur.
		Vegakollai.
		Alagappasamudram.
	Gingee ..	Kil Kuppam.
		Killai.
		Tillaivadangan.
		Kuriyamangalam.
		Adur.
	Kallakurichi ..	Pinnattur.
		Sevalapurai.
		Modaiyur.
		Anantapuram.
		Nochchilur.
	Tindivanam ..	Chittalur.
		Pandalam.
		Arasambattu.
		Lakkinayakkanpatti.
		Kovadi.
	Tirukkoyilur ..	Marakkanam.
		Annamputtur.
		Alattur.
		Mallam.
		Pedagam.
Villupuram ..	Villupuram ..	Eraiur.
		Sendamangalam.
		Tiruvennanallur.
		Mambalappattu.
		Valuduroddi.
	Vridhachalam ..	Ayyankovilapattu.
		Panamalai.
		Adanur (Kulapakkam).
		Kannapuram.
		Kuppanattam.
		Alachchikudi.

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Serial number and name of district.	Name of taluk.	Name of village.
10 Trichinopoly ..	Trichinopoly ..	Khandalur. Tiruvallchipatti, hamlet of Gudur. Puthur, hamlet of Gudur. Elandapatti.
	Manapara range ..	Mukkanamalaipatti, hamlet of Veera- patti.
	Lalgudi	Malakudipatti, hamlet of Kothaipatti. Garudamangalam. Alundalappur. Varaguppal. Tappai. P. Kannanore. Saradamangalam. Ponparappi.
	Udaiyarpalaiyam. Ariyalur range ..	Strukalathur. Thular. Pukkuli. Adanakurichi. Muthukulam.
	Jayankondan range.	Adanur. Pillmese. Kottarai. Kurumbapalayam. Ammapalayam. Chettikulam.
	Porambalur ..	Thottiyam. Tholurpatti. Mudalipatti. Kothapatti. Govindapuram. I. Karattampatti.
	Kulittalai ..	Thirumalaireddipatti, hamlet of Gudalur.
	Manapparai range.	Chokkampatti, hamlet of Periyapatti. Seegampatti near Akkipatti. Tahlivasal, hamlet of Muthupatti. Voerakavandampatti. Malaiipatti, hamlet of Muthupatti.
	Kerur	Attipalayam. Karuppannapalayam, hamlet of Oppili- mangalam. Koravapatti, hamlet of Mukkanan- kurichi. Pudur, hamlet of Punnur. Pillakondapalaiyam, Gudalur West. Kalipalayam (Nerur).
11 Salem	Tiruchengode range.	Kylasapalayam (Emapalli). Kolikalnatham. Do.
	Omalur	Elachipalayam. Kanavoipudur. Karuppur. Reddiyur. Pachanampatti. Kettunayakkanpatti. Periavadagampatti (Danispet).
	Velur	Nallipalayam, hamlet of Punjai Edayar West. Sircar Valavanthi. Kandampalayam. Sircar Vengarai.
	Attur	Kalarampatti (Aripalayam). Pothagoundampudur. Kathukottalpudur. Thamayanur. Ulipuram.

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Serial number and name of district.	Name of taluk.	Name of village.
11 Salem—cont.	Hosur	Hosur. Shoolagiri. Uddanapalli. Urigam. Mathakur, hamlet of Peria Matha Kondapalli.
	Dharmapuri ..	Indoor. Neruppur, hamlet of Nagaramani. Athimarathur, hamlet of Donnakutta- halli.
	Harur	Koppalur, hamlet of Kalappampadi. Kadathur. Papireddipatti. Naripalli. Periapatti.
	Rasipuram ..	Patnam Muniyappampalayam. Thottakoorpatti, Sekkali street (hamlet of Navani). Thoppapatti, Pallar street. Peria Sakkali street of Thirumalapatti.
	Sankari range ..	Vellerivalli (kasba). Alathoor. Chittoor.
	Namakkal range ..	Pudupatti. Valayapatti. Agrahara Valavandi. Laddivadi. Marrappanayakkanpatti.
	Salem range ..	Illampillai. Pallapatti. Masinayakanpatti. Dasanayakanpatti.
	Krishnagiri range.	Santhur, hamlet of Kattagaram. Jagadevi. Varatanapalli. Mekalchinnampalli, hamlet of Kothi- gudalapalli. Nakkalapatti, hamlet of Chendrapalli.
12 The Nilgiris ..	Ootacamund ..	Thummanatty. Thuneri. Masnigudi. Thummanatty. Hullatti.
	Coonoor	Kengarai. Denad. Hullicol. Kotagiri sub-group. Hubbathalai. Coonoor Rural.
	Gudalur	Nelliyalam. Devala. Cherangode. Nelliyalam.
13 Tinnevely ..	Srivaikuntam ..	Nagampacheri. Melamangalakurichi. Velur Navaladi Pacheri. Velur Kasba Paracheri.
	Tiruchendur ..	Tiruchendur (Alanthalai). Mela Authoor (Paracheri). Seranthamangalam. Agiamanavalapuram. Veerapandiapatnam.

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Serial number and name of district.	Name of taluk.	Name of village.
13 Tinnevely— cont.	Ambasamudram ..	Kodarakulam. Pudupatti. Kilakadayam. Sivandipuram.
	Koilpatti ..	Pudur. Sevalarpatti. Nagalapuram. Sangampatti.
	Nanguneri ..	Vadamalasamudram. Anakarni. Kovankulam Kasba. Idayankudi. Kumarapuram. Anaikulam.
	Sankaranayinar-koyil.	Lakshimpuram, hamlet of Paruvakudi. Akilandapuram, hamlet of Karisathan. Senthathi, hamlet of Therku Sankaranayinarkoyil.
	Tenkasi ..	Nainaragaram. Muslimanagaram, hamlet of Thippa-nampatti. Thimarankulamcheri, hamlet of Patta-pathu. Kadanakathu, hamlet of Gunarama-nallur.
	Kovilpatti ..	Kalugachalapuram. Muthlapuram. Lakshimpuram. Kadalkudi. Mavilodai (Sinnur).
14 South Kanara.	Udipi ..	Badagabettu (Kabiyadi). Kodavur (Kola). Billadi (Januvarkatta). Haladi (Kasba). Kachur (Sarabeedi).
	Coondapoor ..	Nagodi. Coondapoor. Navunda (Petah). Koteeshirur (Bennette). Sirur (Hadavinakone). Gulvadi (near Sowkur temple).
	Karkal ..	Nallur. Someswar. Karkal. Nandalike. Belvai. Hebri.
	Puttur ..	Beltangady (Koppe). Bannur. Jalsur. Hirebandady. Ramkunja. Tekkar.
	Mangalore ..	Kondamula. Mennabettu. Padavu. Bappanad. Kavalmudur. Kantwalmuda. Bariangala. Pilathabettu.

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Serial number and name of district.	Name of taluk.	Name of village.
14 South Kanara —cont.	Kasaragod ..	Enmakaje. Telangere. Hosbettu. Chervathur (Moicha). Nileshwar I (Puratekai). Hosdrug (Chaliar street). Beloor I (Attangana).
15 Malabar ..	Chirakkal ..	Anjorakandy. Kadachira. Pallikkal. Tiruvangur. Elathur. Malappuram. Mannarghat. Pallanchathanur. Mangalam. Pariyaram. Choruthazham. Puzhati.
	Wynad ..	Manathana. Pazhassi. Menapuram.
	Kurumbranad ..	Puduppanam. Mantharathur. Meladi.
	Wynaad ..	Kalpetta. Nonmani. Muppainad.
	Calicut ..	Mavur. Cheruppa. Vengari.
	Ernad ..	Parappanangadi. Kadalundi. Malappuram.
	Walluvanad ..	Arakkuparamba. Aliparamba. Lakkitti. Pattambipallipuram.
	Palghat ..	Kuzhalmannam. Mathur. Kannadi. Vavullipuram. Kannambra. Kannanur-Pattola. Pudiyangam. Kizhakkancherri. Muthalamada. Chulanur.
	Ponnani ..	Tirunavaya. Talakked. Pathirithara. Nagalasseri. Pappinivattam. Nattika. Edathiruthi. Chowghat-Pallipuram.
	Chirakkal ..	Baliapatam town.
16 Nellore ..	Kandukur ..	Anandapuram. Saminipalem hamlet. Basireddipalem. Ulavapad.
	Kovur ..	Pallampalem, hamlet of Inamadugu. Zammipalem (Adi-Andhras). Utukur. Kancharapalem.

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Serial number and name of district.	Name of taluk.	Name of village.
16 Nellore—cont.	Podili	Nayudupeta hamlet. Veligondarayudupalli. Christianpalli. Konekanamitta.
	Udayagiri	Ettu-Malapalli, hamlet of Duttalur. Kattakindipalli hamlet. Mutharajupalli hamlet. Vaddapalem hamlet.
	Darsi	Kotikalapudi. Avulamanda. Arundathayapalem, hamlet of Avulamanda. Gudipadu.
	Kavali	Mungamur. Malapalli of Mungamur. Bitragunta hill. Iskapalli.
	Kanigiri	Pamur. Gopalapuram. Panduvanagalavaram Kattakindipalli.
	Gudur	Tippaguntapalem. Ankulapatur. Gudali. Chittamur.
	Atmakur	Anumasamudrampet. Kotithirtham. Nagulavellatur. Somasila
	Venkatagiri	Gollapalli hamlet. Botlakanupur. Deggolu. Reggatapalli.
	Rapur	Molakalapundla. Vadlapudi. Rajuvolupad hamlet. Syedrayupalli.
	Sullurpet	Ranganathapuram. Uppalamarthy. Vaddepalem hamlet. Chilakur.
	Nellore	Niduguntapalem. Polamrajugunta. Pudiparthi. Kakitalapur.
17 Tanjore	Tanjore	Tholirpatti, hamlet of Kurun ulam, West. Maniyeripatti. Nachiyarpatti. Ohennampatti. Kurumpoondi.
	Papanasam	Government Kiliyur. Umalapadi. Deevambalpuram. Virupakshipuram. Nellitoppu.
	Kumbakonam	Peerappadi. Ariyapadaivedu. Puthur. Vilangudi. Ukkarai.

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Serial number and name of district.	Name of taluk.	Name of village.
17 Tanjore—cont.	Mayavaram	Mayavaram rural. Anathandavapuram. Asikadu. Alankadu. Tittai.
	Shiyali	Athoor. Vanagiri. Vettangudi. Alankadu. Tittai.
	Nannilam	Engan. Tirukalambur. Devarkandanallur. Thiruvidavasal. Eravadi.
	Negapatam	Ottathattai. Ettagudi. Kilayur. Nugathur paracheri of Kakaln, Venmani.
	Mannargudi	Puliyankudi. Kottur. Inam Vedapuram. Painganadu Palayanur.
	Pattukkottai	Kayavur. Kurichi. Thurusupatti. Periyakottai. Palathali.
	Arantangi	Karahathikottai. Seyyanam. Alathur. Satagudi. Kannangadu.
	Tirutturalppundi	Manali. Kunnur. Kokkaladi. Velur. Nirumulai.
18 Vizagapatam..	Narsapatam	Kottakota (Adi-Andhras). Chinna Boddepalli. Gurandhorapalem. Mandikandi, hamlet of Vemulapudi. Kanchugummala. Gangavaram. Kamudupalem. Erakampeta, hamlet of Ellavaram-bandapeta.
	Sarvasiddhi	Kummarapilli. Lingarajupalem (Adi-Andhras).
	Veeravilli	Balzipalem, hamlet of Tattabanda. Neelakantapuram. Gogamcheedipalli.
	Anakapalle	Amarapinnipalem, hamlet of Gollalapalem. Tammiahpalem, hamlet of Gollalapalem. Ponnuru Agraharam. Kotturu, hamlet of Nanginarapadu.
	Srungavarapukota.	Godikommu. Dharmavaram

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Serial number and name of district.	Name of taluk.	Name of village.
19 Coimbatore ..	Avanashi ..	Kalampalayam. Karavalur. Masagoundenchettipalayam. Muriandampalayam. Sirumugai.
	Coimbatore ..	Pichanur. Tirumalampalayam.
	Pollachi ..	Marchinaickenpalayam. Sinnampalayam.
	Palladam ..	Irugur. Kannampalayam. Karumathampatti.
	Udamalpet ..	Agrahara Kannadipudur. Kurinjeri. Sangaramanallur.
	Bhavani ..	Mathur. Periapuliyur. Sinnapuliyur. Varadanallur.
	Dharapuram ..	Ponnivadi. Mulanur. Vellakoil. Kangayam. Marudurai.
	Erode ..	Brahmanaharam. Sittodu. Sivagiri. Sooriampalayam. Unjalur. Punjai Dalavoipalayam.
	Gobichettipalayam.	Chinnayampalayam. Kolappalur. Kalingiam.
	Kollegal ..	Doddamaridevarayasamudram. Mangalam.
20 Cuddapah ..	Badvel ..	Lakshmipalem alias Anantarajapuram. Kandimallayapalle.
	Rayachoti ..	Madithod-Guttakindirachapalle. T. Sundupalle-Peddabalijapalle. Gandi.
	Siddhavattam ..	Ellampet. Kotlur. Polatula. Chintakomminne. Siddhavattam. Lingampalle.
	Cuddapah ..	Khajepet. Pushpagiri.
	Jammalamadugu.	Dommaranandysala. Peddamudium. Palur. Balapanagudur. Jammalamadugu. Veperala.
	Rayachoti ..	Nallaguttapalle.
	Rajampet ..	Athirala. Nandalur.
	Rayachoti ..	Komarapet, hamlet of Galivedu. Ananthapuram.
	Rajampet ..	Patur. Obili.

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Serial number and name of district.	Name of taluk.	Name of village.
20 Cuddapah— <i>cont.</i>	Rajampet ..	Tangatur. Rajampet. Kodur. Gopalanapalle. Rayavaram. Gundlur. Nandimandalam. Channur. Kondapuram.
	Cuddapah ..	Inagalur. Mopur. Vempalle. Popumamilla.
	Jammalamadugu ..	Peddasettipalle. Velavali. Tangatur. Macanapa. Cheepod. Alladupalle. Mydukur. Erupalle. Thondalidinne. Chinnajonnavaaram.
	Pulivendla ..	Kamalapuram ..
21 Kistna ..	Bandar ..	Lankelakavagunta. Pallepalam, hamlet of Kruthivarum. Urivi. Gollapalem, hamlet of Nellakurram. Kona. Chandrel. Cheemelapadu. Guntupalli. Kondur. Mutyalampadu.
	Bezavada ..	Surampalli. Numa. Chikkavaram. Gollanapalli. Patapadu. Jaggialipet.
	Gannavaram ..	Digavalli.
	Nuzvid division ..	Rajavaram. Somavaram.
	Tiruvur range ..	Tadigudem, hamlet of Jayanthipuram.
	Tiruvur division ..	Ganapeswaram and Sorlagondi. Gollapalem. Edlanka. Badavaripalem of Pittalanka. Ullipalem. Palakayatippe. Matalippe.
	Divi ..	Jujjavaram. Kudaravalli. Moparru. Pedavirivadu. Tummalapalli.
	Gudivada ..	Agiripalli. Bommalur. Pothireddipalli. Velpacherla.
	Nuzvid ..	

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Serial number and name of district.	Name of taluk.	Name of village.
21 Kistna— <i>cont.</i>	Tiruvur ..	Tunkipadu.
	Tiruvurur range ..	Chepurivanigudem.
	Kaikalur ..	Kocherla. Chintapadu. Vadali. Karshamelapalli, hamlet of Pedagon-nur. Putlacherurru.
	Nandigama ..	Gowravaram. Peddavaram. Pendyala. Gandepalli. Vallanki. Tadigummini. Suragapadu. Peruganchiprolu. Repala.
22 Madura ..	Nilakkottai range.	Sedapatti, hamlet of Rengappanaicken-patti. Kunnathupatti, hamlet of Rengappa-naickenpatti. Ayyappanaickenpatti, hamlet of Mannadimangalam. Chinnaveerampatti, hamlet of Jambudircottai. Avayampatti, hamlet of Kottur. Kovilpatti, hamlet of Ethiloodu. Kilakuchettipatti.
	Kodaikanal range.	Adalai
	Madura range ..	Anaiyur. Mudakathan, hamlet of Anaiyur. Andarkottaram. Lakshmipuram, hamlet of Andarkottaram. Vadakkur, hamlet of Angadimangalam.
	Palni range ..	Kalvarpatti. Velayudapalayam. Pudur. Sitheru. Therkuthathanaickenpatti, hamlet of Thathanaickenpatti. Virupakshi. Manjanickenpatti. Pappampatti and its hamlet Kuppam-palayam. Marichilambu.
	Dindigul range.	North .. Avarampatti, hamlet of Agaram. Sengundi. Seelapadi. Mullipadi, hamlet of Mondipatti. Padiyur, hamlet of Pudupatti. Viralipatti, hamlet of Kulathur. Vedasandur union.
	Dindigal range.	South .. Kombarpatti, hamlet of Siluvathur. Kolrampatti, hamlet of Adianuthu. Pudur, hamlet of Ayyampalayam. N. Panjampatti. Pudupatti, hamlet of Pallapatti. Avilipatti.
	Melur range ..	Ambalagarampatti. Kovilpatti, hamlet of Attapatti. Tharkakudi, hamlet of Ayyapatti. Palappanaickenpatti, hamlet of Agra-haram Koilpatti. Sundakaipatti, hamlet of Boothagudi. Nagappanasevalpatti, hamlet of Boothamangalam.

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Serial number and name of district.	Name of taluk.	Name of village.
22 Madura—cont.	Tirumangalam range.	Solampatti, hamlet of Vellakulam, K. Pappayapuram. Kattarettipatti, hamlet of Allapacheri. Gopalapuram, hamlet of Sengappadai. Meenakshipuram. Muthampatti, hamlet of Kanjampatti.
	Uthampatti range.	Kottayur, hamlet of Karumathur. Vikramangalam. Andipatti, hamlet of Ayyanarkulam. Eluvampatti, hamlet of Milaikulam. Thachapatti, hamlet of Uthapuram.
	Uthamapalayam range.	Kattunaickenpatti, hamlet of Poomala-kundu. Paluthu, hamlet of Narasingapuram. Krishnampatti. Sangurapuram. Sangarapuram.
	Periyakulam range.	Lakshmipuram alias Pudupatti. Sedapatti. Chinna Tamaraikulam. Kumarapuram. Kallupatti, hamlet of Thengalai.
23 Ramnad	Aruppukottai	Sengamadai.
	Mudukulattur	Muthuchelliahpuram.
	Paramakudi	Kamuthakudi.
	Ramnad	Kavanur.
	Sattur	Alampatti.
	Sivaganga	Mangalam.
	Srivilliputtur	Chettipatti.
	Tirupattur	Pirammalai.
	Tiruvadanai	Seithidal, hamlet of Pudupattam.
	Aruppukottai	Malaipatti. Soorungulam. Keelkudi. Kundukulam. Irunjirai.
	Mudukulattur	Sikkal. Mandalamanikkam. Kattalangulam and Nedungulam. Pothikulam. Valayapeekulam.
	Paramakudi	Vadaku Saligramam. Nainarkoil. Thayamangalam. Kilakavanur.
	Ramnad	Thoruvalur. Utharakosamangai. Achundavayal. Thiruppullani.
	Sattur	Kilanmaranadu. Nelli. Pothireddiapatti. Uthampatti.
	Sivaganga	Kilathari. Arasanur. Velaneri. Erivayal. Ammampatti.
	Srivilliputtur	Thalavaipuram. Devadanam, North. Mameapuram. Sivandipatti.

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serial number and name of district.	Name of taluk.	Name of village.
23 Ramnad—cont.	Tiruppattur	Singampunari. Iluppakudi Mathur. Pillayaripatti. O. Siruvayal. Ariyakudi.
	Tiruvadanai	Mangalakudi. Ananthur. Sholendur. Uppurehatram. Arambakottai.
24 Bellary	Paramakudi	Rowdur. Chinna Hariyanam. Thovi. Vandavagal.
	Adoni	Bantanahal. Kottala, hamlet of Gummanur. Mallikarjunahalli. Samalageri.
	Alur	Joladarasi. Bommanahal. Sankarabanda. Uttang. Sakrihalli. Mallankeri. Sonna. Morigeri.
	Bellary	Arisikeri. Halavagal. Holal. Bandri, hamlet of Koolhalli—If the population is more than 500.
	Hadagalli	Sirastahalli. Ayyanahalli (Narayanadevarakeri). Garaga. Kanvi Thimmapuram. Kallahalli. Potalakatta, hamlet of Thimmapuram—If the population is more than 500.
	Hospet	Hansi. Boppalapuram. Kyasamakeri. Chowdapuram. Hulikunta.
	Kudligi	Ganikera. Vyasapuram. Govindavada. Sollapuram. N. Hanumapuram. Bommalapuram. Balakundi. Hagalur Hosahalli. Konchigeri. Kottalachinta. Chilakaladona. Chettrihalli. Daivamdinne. Halaharivi. Bapuram, hamlet of Halaharivi—If the population is more than 500.
	Rayadrug	
	Siruguppa	
	Yeminiganur sub-taluk.	

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 18th January 1939.

The House met at three of the clock in the Assembly Building, Chepauk, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

* 609 Q.—^a

Number of Harijans selected by the Madras Public Service Commission for appointments to the services recruited for.

* 610 Q.—SRI M. DURAIKANNU: Will the Hon. the Prime Minister be pleased to state—

(a) the number of candidates selected by the Madras Public Service Commission for each service for which selection was made by the Service Commission since the present Government assumed office; and

(b) the number of Harijans among them?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) & (b) A statement ^b is laid on the table.”

“With your permission, in order to make the statement correct up to the 15th December, I would request hon. Members to add 1 to Madras Police Service making it 3, 10 to the Madras Ministerial Service—Clerk and Typist—making a total of 29, 1 to Madras Secretariat Service making a total of 3 and 1 to the Subordinate Veterinary Service, so that the total number of scheduled classes candidates selected will be 57 instead of 44.”

SRI S. NAGAPPA:—“I should like to know what the policy of the present Government is in selecting candidates?”

MR. SPEAKER:—“That is a very important question and should therefore be an independent question. It would not arise out of this question.”

SRI RAO BAHADUR M. C. RAJAH:—“Out of all these, might I know how many are gazetted posts?”

^a Vide page 169—170 infra.

^b Printed as Appendix.I on page 228 infra.

[18th January 1939]

Extension of the supply of electric energy from Krishnagiri to Hosur taluk.

* 615 Q.—SRI M. G. NATESA CHETTIYAR: Will the Hon. the Minister for Public Works be pleased to state whether the Government propose to extend the supply of electric energy to Hosur taluk from Krishnagiri?

THE HON. MR. YAKUB HASAN:—“The feasibility of extending electric power around Krishnagiri including Hosur taluk is being investigated. If found remunerative, schemes will be prepared and necessary action taken to supply power.”

SRI V. VENKATASUBBAYYA:—“For what purpose is the power intended to be used?”

THE HON. MR. YAKUB HASAN:—“Of course for lighting, fans and industrial purposes.”

* 616 Q.—*

Delay in the issue of permits by the Central Board of Traffic, Madras.

* 617 Q.—SRI V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Minister for Law be pleased to state—

(a) how many applications for permit are still pending disposal before the Central Traffic Board, Madras;

(b) the reason for the delay;

(c) whether it is a fact that certain lorries that paid the fee even in the first week of October have not yet received such permits;

(d) if so, for what reasons such permits have not been issued;

(e) whether the Central Traffic Board is entitled to refuse or delay the issue of permits to new lorries;

(f) whether the Government will issue orders to the Board on the point; and

(g) who is responsible for the loss caused to such lorry owners?

THE HON. DR. P. SUBBARAYAN:—“(a) Four hundred and thirty-three applications for permits and the extension of the validity of permits, are pending disposal before the Central Road Traffic Board. Provisional permits have, however, been issued in 355 of these cases.

“(b) The goods vehicle applications, which constitute the majority of those now pending, are applications for permits to carry goods over long distances between points connected by rail. The Central Board is bound, under the

* Vide page 170 infra.

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rules, to give the railway companies concerned an opportunity to put forward their views on the question and before passing final orders the Board has to consider the points specified in rule 149 of the Madras Motor Vehicles Rules, 1938. The problems which have to be examined have been the subject of acute controversy in many countries, and the Board believes that no quick and easy solution is possible. The applicants themselves have tended to contribute to such delay as has occurred by their failure in many instances to comply with the requirements of the new rules. In most cases, they did not state clearly, in their applications, the routes on which they wished to run their lorries, the description of the goods to be carried, and the public need for the transport they wished to supply. This has necessitated correspondence, sometimes protracted, in almost every case.

“(c) The answer is in the affirmative.

“(d) In respect of five out of thirteen such lorries, provisional extensions of permits were granted. In the other cases, provisional extensions were not granted, as the applicants did not establish that there was *prima facie* a public need for the lorries to be licensed, and as the objections to the grant of the permits that have been raised by interested parties have to be considered before disposing of the applications concerned.

“(e) The Central Road Traffic Board has discretion to grant or refuse permits for lorries.

“(f) The Government consider that in the circumstances there is no need for the issue of any orders to the Central Board in the matter.

“(g) If an applicant incurs liabilities in anticipation of the decision of the transport authority on the question of the grant of a permit to him, he is himself responsible for any loss which he may sustain if the transport authority decides that a permit should not be issued to him. There is provision in the rules for the grant of a permit prior to the purchase by the applicant of the vehicle in respect of which a permit is required (rule 144, Madras Motor Vehicles Rules, 1938).”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask whether it is the policy of this Government or of the Central Traffic Board to stop the issue of permits to such lorries as are competing with the railway companies?”

THE HON. DR. P. SUBBARAYAN:—“No, Sir; that is not the general policy of the Government.”

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SRI V. M. RAMASWAMI MUDALIYAR: "May I ask why it is necessary to consult the railway authorities with regard to long-distance routes for which permission is applied?"

THE HON. DR. P. SUBBARAYAN: "For the simple reason that we must know the conditions under which the railways are working before any such permits are issued."

SRI V. M. RAMASWAMI MUDALIYAR: "May I ask why when other lorries were allowed to ply on these routes there was no consultation with the railway with regard to the condition of the railway traffic?"

THE HON. DR. P. SUBBARAYAN: "At least that is the opinion of the Central Board, and I see no reason to change that view."

Probable savings due to the abolition of Courts ordered during the year.

* 618 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(a) the number of Courts abolished during this year;

(b) the reasons for the same; and

(c) the amount of money that will be saved in consequence of the same?

THE HON. DR. P. SUBBARAYAN: " (a) & (b) The attention of the hon. Member is invited to the answer given to starred question No. 242 at the meeting of the Assembly on the 29th November 1938. Orders have since been issued for the abolition of the Sub-Court, Tellicherry, with effect from the 23rd December 1938.

" (c) The savings amount to Rs. 33,992 a year."

SRI V. S. R. M. VALLIAPPA CHETTIYAR: "May I know why the Government are slow in taking steps for the abolition of the superfluous courts?"

THE HON. DR. P. SUBBARAYAN: "Of course it is only a question of opinion. I do not think the Government have been slow in this matter at all."

SRI V. S. R. M. VALLIAPPA CHETTIYAR: "May I know, Sir, whether the Government intend filling up the vacancy that would arise shortly by the retirement of Justice Madhavan Nair, in the High Court?"

[18th January 1939]

THE HON. DR. P. SUBBARAYAN: "I should like to tell the hon. Member that this has nothing to do with the question on the Order Paper."

SRI V. S. R. M. VALLIAPPA CHETTIYAR: "Are there any courts which are going to be abolished hereafter, Sir?"

THE HON. DR. P. SUBBARAYAN: "If the hon. Member will put down a separate question, I will answer."

MIR AKRAM ALI SAHIB BAHADUR: "May I ask the Hon. Minister whether any courts in the Godavari district have been abolished?"

THE HON. DR. P. SUBBARAYAN: "That does not arise out of the question on the Order Paper."

Number of operations performed by the Superintendent, General Hospital, Madras, in his unit during September 1938.

* 619 Q.—SRI B. BHAKTAVATSALU NAYUDU: Will the Hon. the Minister for Public Health be pleased to state—

(a) on how many days in September 1938 the Superintendent of the General Hospital, Madras, attended the hospital;

(b) the total number of operations done in his unit during September; and

(c) of those, how many were done by the Superintendent?

THE HON. DR. T. S. S. RAJAN: " (a) to (c) Lieut.-Col. M. M. Cruickshank, I.M.S., who is the Superintendent of the hospital, attended the hospital on 24 days in the month although he was ill, and performed 10 out of 55 major operations done in his unit."

Development of the pharmaceutical factory attached to the Government Medical Stores, Madras.

* 620 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) the nature of work done by the pharmaceutical factory attached to the Government Medical Stores, Madras;

(b) the volume of work done by this factory last year; and

(c) whether there is any idea of developing this factory so as to meet the needs of this Province?

THE HON. DR. T. S. S. RAJAN: "The Medical Store Depot, Madras, is under the control of the Government of India. This Government have, therefore, no information."

[18th January 1939]

Suspension of the census operations for 1941.

* 621 Q.—SRI G. RANGIAH NAYUDU: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that the Central Government referred the question of suspending the census for 1941 to the Provincial Government for opinion and desired to know whether the Provincial Government were prepared to bear the provincial part of the census operations;

(b) if so, what the opinion given by the Madras Government was; and

(c) if opinion has not been already given, what their opinion will be in the matter?

THE HON. SRI V. I. MUNISWAMI PILLAI:—“(a) & (b) The Government of India addressed the Provincial Government asking for their assurance that their staff and the staff of the local bodies would be placed at the disposal of the census system without claim for remuneration from Central revenues on the same basis as was done in connexion with the previous census. This Government replied agreeing to extend their fullest co-operation on this basis.

“(c) Does not arise.”

Insolvency of the Andal Mills, Gudiyattam.

* 622 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) what the nature of business that was done by the Andal Mills, Gudiyattam, is; and

(b) what the reasons for the losses and insolvency are?

THE HON. SRI V. V. GIRI:—“(a) The Mills were doing business in rice-hulling, flour-milling, groundnut decortivating and cotton ginning.

“(b) So far as the Government are aware, the failure of cotton ginning and severe competition in rice-hulling coupled with the general trade depression account for the working of the mills at a loss.”

Import of matches for consumption in the Province.

* 623 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the quantity of matches required for consumption in this Province; and

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(b) whether any, and if so, what portion of it is imported from outside the Province?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“(a) The quantity consumed during 1937–38 was 4,496,919 gross boxes. This assumes that the total quantity produced in the Province plus the quantity imported by sea represents the consumption of matches within the Province. As figures of movements of matches are not separately recorded in the rail-borne trade statistics, it is not possible to say how much of the local production and of imports went out of the Province by rail.

“(b) The quantity imported by sea including coastwise imports during 1937–38 was 621,058 gross boxes. It is not possible to say what quantity of matches was imported from outside the Province by rail as such statistics are not separately recorded in the rail-borne trade statistics.”

SRI K. V. R. SWAMI:—“May I know from the hon. Parliamentary Secretary whether Government will be pleased to consider the question of getting this information from the Railway department?”

SRI B. S. MURTI:—“The Government would consider the question.”

Schools and classes in Chittoor district paying scholarships to Harijans.

* 624 Q.—SRI M. DURAIKANNU: Will the Hon. the Minister for Industries and Labour be pleased to state the names of schools and classes in the Chittoor district in which scholarships to Harijans are given?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“The Labour department has given scholarships in the following ten schools during 1938–39:—

- (1) Board High School, Chandragiri—Forms I, II and IV.
- (2) Board Higher Elementary Combined School, Kalikiri—Standards V, VI and VII.
- (3) Board Higher Elementary School, Piler—Standards IV, V and VI.
- (4) Board Higher Elementary School, Kurabalakota—Standard V.
- (5) Board Middle School, Pakala—Form I.
- (6) Board Higher Elementary School, Renigunta—Standards V and VI.
- (7) Board High School, Tiruttani—Class V.

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- (8) Board High School, Madanapalle—Forms I and IV.
- (9) Board Higher Elementary Combined School, Peddattippasamudram—Standard IV.
- (10) Board Amalgamated School, Burakayalakota—Standard IV.

The Education department has given scholarships in the following five schools in 1938:—

- (1) Board High School, Tiruttani—Form IV.
- (2) Board High School, Madanapalle—Form V.
- (3) Board Higher Elementary School, Renigunta—Standards VI and VII.
- (4) Board Elementary School, Basinikonda—Standard V.
- (5) Peeifer Memorial Higher Elementary School, Renigunta—Standards VI and VIII.

Publication of a list of commissioners of municipalities not possessing a lien elsewhere with their qualifications and pay.

* 625 Q.—MR. D. R. ISAAC: Will the Hon. the Minister for Local Administration be pleased to furnish a list of commissioners of municipalities who do not retain a lien on any substantive appointment, with their respective qualifications and pay?

THE HON. SRI B. GOPALA REDDI:—“A list* is appended.”

Conveyance allowance to chairmen and commissioners of municipalities.

* 626 Q.—SRI K. P. YAGNESWARA SARMA: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of municipalities in which both chairmen and commissioners draw a conveyance allowance;

(b) the principle on which the respective amounts that are allowed as conveyance allowance to chairmen and commissioners are fixed and the reasons for the variation of these amounts, if any, in the various municipalities;

(c) whether Government have come to a decision on the question of conveyance allowance for the Tirunelveli Municipal Chairman which has been unanimously voted by the Council and disallowed by the Inspector of Local Boards; and

(d) whether Government will be pleased to pass early orders on the subject?

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THE HON. SRI B. GOPALA REDDI:—“(a) Nine.

“(b) The attention of the hon. Member is invited to the answer to Legislative Assembly question No. 31 answered on 1st September 1937 in regard to the principle observed in granting conveyance allowances to the commissioners. The conveyance allowances to chairmen are sanctioned by the Inspector on the merits of each case.

“(c) & (d) Orders have issued sanctioning conveyance allowance to the Chairman, Municipal Council, Tirunelveli.”

SRI K. P. YAGNESWARA SARMA:—“May I know whether the Hon. Minister will be pleased to consider the question of giving conveyance allowance to the chairmen of municipalities?”

THE HON. SRI B. GOPALA REDDI:—“Each case will be considered on its own merits.”

SRI K. P. YAGNESWARA SARMA:—“May I know whether there is no general policy followed about these things?”

THE HON. SRI B. GOPALA REDDI:—“There is no general policy.”

SRI K. V. R. SWAMI:—“May I know whether the commissioners are given conveyance allowances?”

THE HON. SRI B. GOPALA REDDI:—“Yes, Sir.”

SRI K. V. R. SWAMI:—“May I know why, when the commissioners are paid men, they are given conveyance charges, while the chairmen who are honorary men, are not given conveyance allowances?”

THE HON. SRI B. GOPALA REDDI:—“It is because honorary people cannot get salaries, they cannot get conveyance allowance also.”

Alleged false personations in the last elections of the Tiruvallur Panchayat Board.

* 627 Q.—SRI D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have received any report from any voter in Tiruvallur, Chingleput district, to the effect that there were many false personations in the last panchayat board elections of Tiruvallur;

(b) whether the Government have received a copy of the judgment delivered by the District Munsif of Tiruvallur, where an election for a particular ward was held null and void owing to false personations; and

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(c) if the answers to (a) and (b) are in the affirmative, what action has been taken by the Government to prosecute the offenders and to return the deposit amount of Rs. 20 in each case of a challenged vote in the said elections?

THE HON. SRI B. GOPALA REDDI:—“(a) & (b) The answer is in the negative.

“(c) In view of the answer to clauses (a) and (b) the question in this clause does not arise.”

Alleged death of an anti-Hindi prisoner in the hospital.

* 627-A. Q.—SRI E. KANNAN: Will the Hon. the Prime Minister be pleased to state—

(a) whether the attention of the Government has been drawn to a report in the Press that a prisoner, Natarajan, convicted for picketing in anti-Hindi agitation died recently in the hospital; and

(b) the circumstances of the case and the cause of his death?

THE HON. SRI C. RAJAGOPALACHARIAR:—“One of the persons convicted in the picketing campaign at the Theological High School, Natarajan, an illiterate Harijan, who was convicted on the 5th December last, developed facial cellulitis with fever. After about five days in the Penitentiary hospital he was released temporarily and admitted in the General Hospital on 30th December. The Lieutenant-Colonel in charge of the ward has reported that he was admitted with facial cellulitis complicated with septicaemia pyaemia abscess in the thigh. In spite of the best efforts the patient developed pyaemic abscess in the brain. After sixteen days' treatment in the General Hospital, the patient died at 2 p.m. on the 15th January.

“The Surgeon's report is as follows:—

‘Cases like these are really one of the serious problems in surgery. During the whole time when the patient was in this hospital he was unfit to be removed from here but he had free access to his relations. His father was almost always with him. While the patient was in this hospital, he was given all the modern treatment available for such cases, such as a course of streptococcal serum, proseptacine and soluseptacin in addition to intravenous glucose twice daily.’”

SRI G. RANGIAH NAYUDU:—“May I know whether the boy was not a student?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“He was, as I said already, not able to read or write his mother tongue or any other language. I presume he was not a student.”

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SRI R. M. PALAT:—“Was not an application made by his parents for his release?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“None that the Government are aware of. As I have said, he was released from the Penitentiary jail and was for fifteen days in the General Hospital.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Am I to understand from the Hon. Premier when he says that he was released, he was released in the legal and technical sense, or whether release means transfer from the Penitentiary to the General Hospital?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“There is a regular procedure for release—temporary release as it is called—of prisoners for the purpose of treatment in hospitals outside the jails. There are conditions attached to such release and the patient is really released for all practical purposes.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Was any order passed to that effect?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“If I can judge aright from the report I have received from the person who is in charge of the Penitentiary hospital and the form in which that report has been sent it reads in the manner in which I have stated.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“How long was the unfortunate young man in the Penitentiary hospital before he was taken to the General Hospital?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I have already stated that he was there for five days and for sixteen days in the General Hospital.”

SRI R. M. PALAT:—“May I know how long the boy was inside the Penitentiary?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“For twenty-one days. I would also add the two days during which he was under observation.”

SRI RAO BAHADUR M. C. RAJAH:—“May I know who was the doctor in charge of the patient in the jail during the five days when he was a patient there?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“He was in the Penitentiary hospital for five days, but I am not able to give the name of the Surgeon who immediately attended to him.”

SRI RAO BAHADUR M. C. RAJAH:—“My point is whether the person was given proper treatment in the Penitentiary hospital?”

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THE HON. SRI C. RAJAGOPALACHARIAR:—"He was for five days in the Penitentiary hospital as distinguished from the cell, but as the authorities in the hospital could not see any improvement, they sent him to the General Hospital after going through this process of temporary release for treatment outside. The procedure adopted shows that they were very considerate and were quite able to see the danger of the situation."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Will the Hon. Premier be pleased to place the report on the table of the House?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The Hospital authority sent us a report, but I shall read the report received from Lieutenant-Colonel Khan, I.M.S., who is in charge of the Penitentiary hospital. This is what it says:

'I have the honour to report that convict No. 5524, Natarajan, had a boil on the lower lip and was detained in the Penitentiary hospital for treatment on 26th December 1938. The boil burst on 27th December 1938 and was duly attended to. On 28th December 1938 the temperature rose up to 102 degrees F. Left side of the face became red and swollen and he was complaining of severe pain.

'Adequate treatment for his condition was given. On 28th and 29th his temperature was ranging between 100 degrees and 102 degrees F. The swelling in the face was stationary, but swelling and tenderness was noticed on right thigh and left leg.

'On the morning of 30th December 1938 the temperature was only 99 degrees, but swelling extended to the whole of the face, lips and front of the neck. The swollen part was red and tender and the spreading margin elevated.

'He was sent as an in-patient to the General Hospital immediately (30th December 1938). On 15th January 1939 a message was received from the Government General Hospital, Madras, that the person expired at 2 p.m.'

"The Government General Hospital message states that he died of cellulitis face."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Is there any senior doctor in the Penitentiary?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Lieutenant-Colonel Khan."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"When the I.M.S. officer in the Penitentiary discovered that there was cellulitis in the patient, were the Government made aware of the fact that it was a dangerous disease and that it should be treated in the General Hospital and not in the jail hospital?"

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THE HON. SRI C. RAJAGOPALACHARIAR:—"That is exactly the reason they had to keep him there for five days. It is not easy to diagnose such diseases at all. A certain time must elapse. Ordinary swelling is not distinguishable from cellulitis. In the process of maturing and observation some time elapses. If it could easily be observed, the gentleman responsible for taking him to the picketing campaign need not have taken him to that campaign."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"May I know from the Hon. Premier whether the Government considered the question of releasing him when he was seriously ill in the hospital?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I have already stated very clearly that the patient was ill for five or six days in the Penitentiary and the Penitentiary authorities have taken the necessary steps for getting the necessary orders for the release of the prisoner and sending him on to the General Hospital. Releasing him and leaving him at the prison door would have served no human purpose."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Apart from the release necessary for treatment of the prisoner, want to ask the Government to let us know whether any application is received for releasing him altogether and whether they considered the question of releasing him because of his serious illness?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am not aware of any such application having been made by anybody responsible for this young man. As I have already stated, he was an illiterate young man belonging to the scheduled classes."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I want to know whether the Government considered the question releasing this young man of their own accord or not? It was serious case."

THE HON. SRI C. RAJAGOPALACHARIAR:—"The Government were aware of his illness only when the report was made. From the report it was found that he was under the best of treatment. The question of entire release did not arise, further than the release already ordered."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"May I ask when the first report was sent to the Government, and when he was sent to the hospital?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I think the dates that I have given are quite enough for the hon. the Leader of the Opposition. He was ill on the 25th; he was in the Penitentiary till the 30th; he was admitted in the General Hospital on the 30th. I cannot give the exact hour and the minute."

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p.m.

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DR. M. J. SAMUEL:—"In view of the serious nature of the disease, do not the Government think that the Penitentiary Medical Officer has made unusual delay in sending the patient to the General Hospital for expert treatment?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I do not think that in a case of this kind where the doctor found a swelling on the lip on the 25th, if the case reached the General Hospital at Madras on the 30th, and if in the interval the patient was in charge of Lieutenant-Colonel Khan in one place and Colonel Mahadevan in another place, any neglect can be imagined or possibly conceived of in this matter."

DR. M. J. SAMUEL:—"What was the prognosis of the Medical officers in the General Hospital when the patient was admitted?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"That can be seen from the report that I have received from Colonel Mahadevan in this matter. May I read it?"

DR. M. J. SAMUEL:—"May I ask whether it was bad when the patient was admitted or whether it was considered to be a fit case for treatment?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"When the General Hospital doctors admitted him on the 30th and diagnosed the case as cellulitis, I have it on the authority of the Surgeon-General that it falls in the class of one of the most difficult and troublesome matters that surgery has to deal with in modern times."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask whether this was not realized and found out and diagnosed even in the Penitentiary hospital?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It must have been found out towards the latter part of the five days that I referred to."

SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"May I ask, Sir, whether the swelling in the lip was due to natural causes or to any injury?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I can answer this very fair question, Sir. I think it was due to natural causes. I think the boy, though unfortunate by reason of what happened to him, has had better attention than he could have had otherwise."

SRI K. V. R. SWAMI:—"May I ask the Hon. the Premier whether the leaders of the anti-Hindi movement took any interest in this unfortunate boy?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I do not think the Government can answer that question."

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H. S. HUSSAIN SAHIB BAHADUR:—"Mr. Speaker, Sir, may I have some of my questions which were passed over answered now?"

MR. SPEAKER:—"But is this question finished? Does the hon. Member presume that this question is finished?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Will the Hon. the Premier be pleased to place on the table of the House on a future occasion the qualifications of the doctor who immediately attended on the patient while he was in the Penitentiary?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The Penitentiary, as the hon. the Leader of the Opposition should certainly know, is in charge of one of the best doctors that the Provincial Government can command. This has always been so. The Penitentiary and the hospital in that Penitentiary are under the immediate attention of that officer who is in charge of the Penitentiary. Whatever may be the qualifications of the various doctors who may be in charge, attention on patients will vary according to the nature of the case, according to the urgency of the matter and so on. I have no doubt that the best attention has been given in this case. No object will be served by placing the names of particular medical officers on the table."

SRI K. V. R. SWAMI:—"How did this illiterate man who had no knowledge of even his mother-tongue happen to take part in the anti-Hindi movement?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"A very interesting and relevant question, Sir, but the Government cannot answer it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, whether it was due to his illiteracy that he got this illness?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It was due to his illiteracy that he picketed and it was due to his picketing that he happened to be in the jail, but his illness was certainly due to other causes." (Laughter.)

Conditions governing the grant of special pay for shorthand and typewriting.

* 609 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Prime Minister be pleased to state—

(a) whether there have been any complaints or memorials in respect of the application of G.O. No. 783, Public, dated 20th September 1933, and if so, what they are; and

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(b) whether the said Government Order is still in force?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) A statement^a is laid on the Table of the House;

“(b) the answer is in the affirmative.”

H. S. HUSSAIN SAHIB BAHADUR:—“May I know whether any action has been taken on the complaints or memorials received by the Government?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“May I ask the hon. Member to read the third column in the paper placed on the table of the House.”

Restrictions on the use of certain roads and culverts in South Kanara by motor vehicles.

* 616 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Minister for Law be pleased to state—

(a) whether it is a fact that the District Board of South Kanara has either closed or restricted motor traffic on certain roads and culverts;

(b) whether any protests have been received by the Government from the owners of motor vehicles or businessmen in respect of this closure or restriction;

(c) what the cause for such closure or restriction is; and

(d) whether the Government will call for a report from the district board concerned as to how long it will take either to reopen these roads and culverts for motor traffic or to resume normal motor traffic over them?

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

“(c) The reason for such closure is the dangerous condition of certain culverts and bridges and the unsuitability of certain roads for bus and lorry traffic.

“(d) The information is being called for.”

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

II.—HOURS OF SITTING.

MR. J. NUTTALL:—“Mr. Speaker, on a point of information, my group will be pleased to know what are likely to be the hours of sitting more or less throughout this session. Quite a number of members were rather taken by surprise yesterday evening when the House rose an hour earlier than the expected hour and we were . . .”

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MR. SPEAKER:—“I suppose the question has been stated. The House will meet punctually at 3 o'clock as usual, and for the convenience of hon. Members, ordinarily the House will rise at 7 p.m. unless there is any special business, when the Chair will exercise its discretion and give such time as is necessary. But the ordinary meeting hour is 3 p.m. and the ordinary concluding hour is 7 p.m.”

MR. J. NUTTALL:—“My impression was that the sitting hours were from 3 to 8 p.m.”

MR. SPEAKER:—“That was so; but in response to the representations of hon. Members and as a result of the discussion in the Rules Committee, in order to meet the convenience of some hon. Members who felt that 8 p.m. was too late an hour, 7 p.m. has now been fixed as the ordinary concluding hour.”

MR. J. NUTTALL:—“Thank you, Sir.”

MR. SPEAKER:—“I suppose the hon. Member is satisfied.”

MR. J. NUTTALL:—“May I ask, Sir, whether the House will sit on Saturday also?”

MR. SPEAKER:—“Yes, the House will sit on Saturday also. Is there any other doubt with regard to the hours of sitting of the House? (No answer.)

“The House will now proceed to the consideration of amendments to the Madras Public Health Bill.”

III.—THE MADRAS PUBLIC HEALTH BILL, 1938
(L.A. BILL No. 17 OF 1938)—cont.

Clause 4.

Sub-clause (1).

New item after item (c).

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Sir, I move—

“Insert a new item after item (c) providing for

(i) the representation of the Corporation of Madras by the Mayor of Madras;

(ii) one member to be elected by the presidents of district boards;

(iii) one member to be elected by the chairmen of municipalities.”

I do not think any arguments are necessary . . .”

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MR. SPEAKER:—"I do not think the amendment is in the proper form. I think it may be put as follows:—

After item (c), insert the following:—

"(d) the Mayor of Madras,

(c) one member to be elected by the presidents of district boards,

(f) one member to be elected by the chairmen of municipalities."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Yes. My object in moving this amendment is to make this Board sufficiently representative. We have seen that although this Board is intended to be an advisory board for the purpose of managing the public health affairs of the Province, there are a number of officials on it such as the Ministers, the Sanitary Engineer, the Director of Public Health and one other officer of the Government. The only non-official members on the Board representing this House and the other House are also to be nominated by the Government. We know from a perusal of the Bill that the institutions that will be most affected are the district boards and the municipalities including the Corporation of Madras. But there is no representative of these bodies on the Board. It is necessary that their experience and advice on matters of public health should be made available to this Board. This can be done only by making provision for the representatives of these bodies on the Board. Of course we cannot have all the presidents of district boards and chairmen of municipal councils on this Board. It will be quite enough if we constitute electoral colleges consisting of the presidents of district boards and chairmen of municipalities and ask them to elect one member from each college to represent them on the board. It is very probable that these presidents of district boards will select only the best and the most experienced among them whose advice will be very valuable to the Board. In the same way even the chairmen of municipalities will elect from among themselves only one who has had long experience of the work of municipalities in the matter of public health. Therefore, in order to make this advisory board a real advisory board, it is necessary to give representation to these bodies."

* THE HON. DR. T. S. S. RAJAN:—"May I rise to a point of order, Mr. Speaker? Yesterday the House decided that there shall be no election and again in this amendment the question of election has been brought up. I want to know whether it can be done."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Are you going to give your ruling, Mr. Speaker, or am I to answer the point of order which has been raised?"

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MR. SPEAKER:—"I shall give my ruling.

"However much the Government may be fond of nomination 3-45
as against election, it was a particular amendment that was P.M.
thrown out and not the question of nomination or election. A particular amendment having been thrown out, another amendment incidentally involving the question of election may be moved. It is just possible that the Government may be disposed to-day to revert to the principle of election."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Thank you, Sir. The question that was disposed of, was whether the members that are chosen from this House should be elected or nominated. The question of election *versus* nomination has not been decided. According to your ruling, Sir, my amendment is in order. I think the Government will accept the amendment and give room in the Board for the members I have mentioned . . ."

MR. SPEAKER:—"The hon. Member expects the Government to agree to the election of district board presidents and municipal chairmen, when they have not agreed to the election of members by the Legislature itself. What does the Hon. Minister say?"

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I have given notice of an amendment (No. 68) on the same lines. I think, Sir, you will permit me to speak on this amendment."

MR. SPEAKER:—"The hon. Member can speak on this amendment; the decision of the House on this amendment will settle the fate of amendment No. 68."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I was saying, Sir, that if this Board is to be an advisory board and that if this Board should consist of some experts and some members with experience of public health matters, it is necessary that representatives of the municipal chairmen and district board presidents should also be on the Board. The Hon. Minister said yesterday that the Board will function as an expert advisory body; then the presence of the representatives of municipal chairmen and district board presidents will not be a check on the working of the Board; they will certainly be co-operating with the experts of the Board and the advice they give, on account of their experience, will be very valuable. If this Bill is passed into law and is given effect to, I feel that there will be many places where people will be put to great hardship. Unless there is a sufficient representation of the representatives of the people, such as the chairmen of municipal councils and presidents of district boards, the hardship to which some people are put to, will not be made known to the

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consider, a new kind of authority and instead of serving as an advisory council, the Board will constitute itself into a friction Board altogether. As can be seen from the provisions of the Bill, various presidents of district boards may have several points to urge in regard to every matter dependent on local circumstances and the like, and all the boards will have to be consulted from time to time. It will not be a workable and useful machinery at all, if the strength of the Board is augmented in this manner by elected members from among presidents of district boards and chairmen of municipal councils. It will not really serve the particular object with which the Board is constituted and the advisory function be given to it. Of course it will be an experiment, a new kind of co-ordination of members of local bodies.

"I know that this matter was thoroughly discussed in the Select Committee. In order to strengthen what I stated in this connexion yesterday, I may point out that it was Sir Pannir Selvam who insisted that the principle of election might be done away with in the matter of constituting the Public Health Board . . . "

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of order, Sir. Is it permissible for any member of the House—much less a Member of the Government—to disclose what happened in the Select Committee?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, before you give your ruling, I wish to point out that there is nothing secret or private about the matter. It was a Select Committee of this House. I am simply giving reasons which, from all points of view, are reasonable. The Government cannot be charged with having been influenced by a desire to get nominated members in order to strengthen the hands of the Government. I am only saying the thing which the hon. Member knows. Perhaps the Select Committee Report does not include any remarks in respect of this small matter, though it looks seemingly very important now from the point of view of election *versus* nomination. If you, Sir, think that there is any impropriety in referring to the Select Committee's Report, I do not wish to do so."

MR. SPEAKER:—"We must dispose of the point of order raised by Mr. Abdul Hameed Khan. I do not think it is improper, because the Government now explain why it is good to recognize nomination and not election, although election was originally proposed, and why this change from election to nomination was made by the Government. The Hon. Premier says that it was Sir Pannir Selvam that was responsible for converting the Government to this point of view.

"Ordinarily, reference to the proceedings of the Select Committee is not permissible. The Government now recognise

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[Mr. Speaker]

the power of the Opposition to convert the opinion of the Government from election to nomination. This is a legacy of the old diarchical form of government to the present full responsible government.

"This is an extraordinary occasion in which the Government were converted from the principle of election to that of nomination. The revelation is therefore appropriate."

SRI R. M. PALAT:—"What is the criterion, to decide such points?"

MR. SPEAKER:—"According to circumstances. This is an extraordinary instance; the conversion of the point of view of the Government from the principle of election to that of nomination was explained by the Hon. the Premier."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"It is very good, Sir, that these questions have been raised. I understand that this very matter is contained in the Select Committee's Report. It is sufficiently important, and I am glad that my instinct of appreciation of nice points has not failed me in this respect. This is a matter which ought to be published for the information of members of the House, and I am glad to find it has been printed in the Select Committee's Report. I apologize to the House for not having read it before. Once again, I submit, Sir, that it is necessary for me to explain that it is not by a superficial attachment to formulæ that we will be able to work the principles of democracy. Election is indeed better in many cases, but . . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of order, Sir. May I know whether this amendment is intended for discussing the policy of nomination *versus* election? Or is the Hon. Minister raising the question . . . ?"

MR. SPEAKER:—"But the hon. Mover of this amendment has himself dilated upon that point. It is better that the Government give an exhaustive explanation incidentally as to why there has been a change."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Surely, Sir, my method of presentation should not become the subject for points of order from the leader of the Muslim League group. I do maintain that the principle of election may be quite good and preferable to nomination in some cases; but when responsibility is taken, say for instance, by a Member of the Legislature who forms the Government, he cannot, instead of forming his own Cabinet, ask the House to elect the members of the Cabinet for him and thereby throw the responsibility on the House instead of taking it on himself. Similar is the case here. The Opposition representative in the Select Committee insisted

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very strongly—in fact even after much dissuasion from the other side—that we should not be permitted to shirk responsibility in this matter. With a keen political sense he knew that the Public Health Bill is one of the most difficult things to administer with popularity in a Province with so many district boards and municipalities, and that unpopularity will have to be faced by the Government in doing the work properly under this Bill, and he did not want to share in it. I could understand it very well; but we were not disinclined to take that responsibility, having taken up office. Therefore, we took the responsibility and that is why, Sir, I say I am not wandering out of the present amendment to anything that happened at any previous stage. Again, the Corporation of Madras selects its own Mayor and carries on its work through its own Council; there is no reason why it should submit that privilege to the Government and should have the disproportionate privilege of sending its Mayor alone over to this advisory board when all the other municipalities in the Province do not have such a privilege. May be the Corporation is big, may be it is important; but still, I think the Mayor is influential enough to influence the Government without coming into this advisory body, and he can well disprove what may be deemed to be an extra privilege for the Corporation by the other municipalities of the Province.

“As regards the presidents of district boards, local questions will have to be decided by the Government on representations made by the various local bodies and not by taking one of the presidents into the advisory Board. On the whole, we thought over the matter from all points of view and came to the decision, after full discussion, that the Board should be restricted to nine. I may add for the information of members who are anxious on this aspect of the matter that there are three members of the Madras Legislature nominated by the Government who will, in all probability be fully able to represent the interests that are kept in view by the mover of this amendment.”

The amendment was put and lost.

Sub-clause (1) (e).

* H. S. HUSSAIN SAHIB BAHADUR:—“Mr. Speaker, I move—

‘After sub-clause (1) (e), insert the following as item (f):
“(f) the Inspector of Local Boards and Municipalities”,
And re-letter the existing items “(f)” and “(g)” as
“(g)” and “(h).”’

“Sir, the Minister for Local Administration is already on the Public Health Board, and in my opinion, it is but right that he should be there as the head of the Local Administration Department. What I seek by this amendment is that he should be ably

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assisted by an officer of his own department in the deliberations of the Board. The Inspector of Local Boards is in intimate touch with the working of the local bodies in the Province. As we can see from the provisions of the Bill, the successful working of this measure will depend to a very large extent on the working of the local bodies. In other words, the success or otherwise of the working of this piece of legislation is intimately bound up with the administration of local bodies in this Province. Therefore, I submit that the Inspector of Local Boards and Municipal Councils who has got expert knowledge of the working of the local bodies should be on the Board; because he can, by his status, well be one of the expert officers who can advise not only his chief, the Minister for Local Administration, but the whole Board. The Hon. Mover of the Bill may of course say that there is already provision made here for the nomination of one more officer of the Government; but three officers of the Government have already been approved, viz., the Surgeon-General who is in touch with the medical administration, the Director of Public Health who is administering the Public Health department and also the Sanitary Engineer to Government who is looking after the sanitary arrangements, etc. I do not therefore see why an officer who has got an expert knowledge of the working of the local bodies should not be added. Moreover, the ‘one other officer of the Government’ to be nominated by the Government may be some other officer, and he need not necessarily be the Inspector of Local Boards and Municipal Councils. I therefore, move, Sir, this amendment, and I hope it will be accepted.”

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“I second it.”

* THE HON. DR. T. S. S. RAJAN:—“I am sorry, Sir, I cannot accept this amendment.”

The amendment was put and lost.

Sub-clause (1) (g).

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“Mr. Speaker, I beg to move—

‘Delete sub-clause (1) (g).’

“The reason that has induced me to move this amendment is this: The official element on the Board is already strong; there are on the Board two Ministers, the Sanitary Engineer, the Director of Public Health and the Surgeon-General with the Government; I do not see any reason why one more officer of the Government should be added to the list. It has been made clear by the Hon. the Minister in the course of his speech that the Board should be constituted of persons who can give expert advice on matters coming up before the Board. Are we to understand that

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the officer to be nominated under clause (g) will be the officer who will give expert advice on matters coming before the Board? Why should we presume that only officers of the Government will be able to satisfy this condition? Why should we think that the public at large does not contain any one who can give similarly good advice, as good advice as anybody in the official circles can give? If people outside official circles can usefully serve on the Board, I do not understand why any partiality should be shown to the officers of the Government.

"Another thing I want to oppose is the system of nomination. I do not like to discuss that point fully again now, as it has already been thrashed out on the floor of the House. I therefore formally move, Sir, that clause (g) be deleted."

The amendment was duly seconded.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"This is also a matter of general policy which has already been decided, and it was considered very fully by the Committee. The previous amendment has much to do with this amendment. The usefulness of the Inspector of Local Boards on this Board was considered at great length. This officer has not yet risen to the exact status of a head of a department. He is a travelling officer dealing with all local bodies and municipalities. It is likely no doubt that he will have all the experience necessary for representing all the inconveniences felt by the various boards and municipalities in carrying out the advice of the Board; but it is not correct for the hon. Mover of the amendment to assume as he did, that he was intended to supply expert public health knowledge. He may have expert knowledge and experience in the administration of local boards and municipalities. But that officer, as I said, is still in the making, and so time has been taken by the Government by stating here 'one other officer of the Government nominated by the Government.' With this explanation, I hope the hon. Member will withdraw his amendment."

The amendment was by leave withdrawn.

Sub-clause (2).

4-15 P.M. BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I move—

'In line 2, for the words "one year" substitute the words "three years."'

"Sir, the reason for my amendment is this: I am quite aware that of late the policy of the Government seems to be that all appointments to committees should be only for one year. So far I have not been able to find out the reasons for limiting the period of tenure to only one year. No press communiqué has been issued in respect of this matter and I am yet to know why exactly the

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period of one year has been adopted. Ordinarily, by convention and by age-long practice, the period has been either three years or five years. In the Government of India, I find they make appointments to committees and *ad hoc* bodies for a period of two years. That I thought, Sir, would be the maximum reduction. Now, I see that in appointing various other committees, the Government have limited the period to one year. I think, Sir, that even from the point of view of the Government, it would be an irksome thing to have it as one year. In some of these *ad hoc* committees, the period of one year may seem to be very short. For instance, some times it takes months to communicate the order of appointment of a member according to present Governmental methods and by the time the order of appointment is communicated to the persons concerned, it will be again time for the Government or the authority concerned to take up the question of appointment for the next year. That would mean that throughout the year the Government or the Minister in charge or the Secretariat concerned will be merely considering the question of appointment, re-appointment or fresh appointment to the boards. I do not think that will be conducive to efficiency at all. Even from the point of view of disposal of these appointments, or from the point of view of the persons concerned and also from the point of view of the Government, it is not desirable to have the period as one year. I would therefore fix the period of service as three years and not one year as it is sought to be made in this Act. They may have one year for other ordinary committees, but not so in the case of an important committee like this which has to discharge very many important and difficult functions. Time must be given for members to acquaint themselves with the duties and functions that they have to discharge as members of the committee. For that purpose at least a period of three years would be proper and reasonable. I therefore suggest three years instead of one year."

MR. SPEAKER:—"The amendment falls through for want of a seconder. No left-winger will second the motion of a right-winger." (Laughter.)

THE HON. SRI C. RAJAGOPALACHARIAR:—"The hon. Member committed the mistake of sitting on the wrong side." (Laughter.)

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

'In line 3, for the words "from the date" substitute the words "from the date of nomination."'

To make the meaning more clear, this amendment has been brought forward. It is only verbal, Sir."

The amendment was put and carried.

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Sub-clause (3).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I move the following amendment:—

'In lines 2 and 3, for the words "the Director of Public Health," substitute the words "Secretary to Government in the Public Health Department."'

Sir, I find from the Report of the Select Committee that my hon. Friend, Mr. T. T. Krishnamachariar pressed this point at the Select Committee and apparently not being successful, had caused an addition to be made to the Report to this effect: 'Sri T. T. Krishnamachariar wishes it to be recorded as his opinion that the Director of Public Health should not be ex-officio Secretary of the Public Health Board as proposed in sub-clause (2) of clause 4.' In support of that opinion I would like to submit for the consideration of this hon. House that it is very desirable to have an extraneous officer like the Secretary to Government in the Public Health Department, rather than the Director of Public Health to serve as Secretary to the Board. My reason, Sir, is that the Director of Public Health is the head of a department. Besides that, he is also a member of the Health Board and for a member of the Board to be also its Secretary seems to be rather an anomalous position. There may be occasions for the Public Health Board to either criticize or comment on the work of the Health Department, when they have to refer to the activities of the Director of Public Health and it would not therefore do for an officer of that kind to serve also as Secretary to the Board.

"Further, Sir, on the last occasion during the general discussion of the Bill, the Hon. the Mover of the Bill stated that the Director of Public Health would be in a better position to put up before the Public Health Board files and cases for its consideration. My contention is that the Secretary who is accustomed to placing before the Government files and cases for consideration would be in a much better position in this behalf than the Director of Public Health."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, as I said yesterday, there should be some independent election to this Public Health Board. Now, the Director of Public Health is already a member and I am sure he will come with views already made up, since he is also the Director of Public Health. Of course the Hon. the Premier may say that it is not necessary that he should have the same views as the Government. That may or may not be the case. But in all probability it will be the only course, because the matter would have been already referred to him for his opinion and he would have known the opinion of the Government also and in almost all cases his opinion would be the opinion of the Government. So, let us have him as a member of the Board and I have no objection to that. But, why should he

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be also the Secretary? Further, the function of the Secretary is also to carry out the orders and resolutions passed by the Board, and for carrying out those orders it is necessary that there must be some executive officer; and the officer most competent and fit to discharge such function is the Secretary to the Government in the Public Health Department. I therefore second the amendment moved by my hon. Friend."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"With your permission, Sir, I would like to be enlightened as to whether the object of the amendment is that a non-member of the Board should be the Secretary. (Basheer Ahmed Sayeed Sahib Bahadur: 'Yes.') That is, the Secretary should be one who is not a member of the Board at all, but is an outside Secretary; in which case, my answer would be that the Secretary to the Government will continue to be the Secretary and it will not be necessary to make him Secretary under this clause; because he will be Secretary without being a member of the Board and no object will be served by the declaration in sub-clause (3) that the Secretary to the Board shall be the Secretary to the Government. But, if it is intended that the Secretary should be a member, I would like to submit an answer to it of an administrative nature which hon. Members may not perhaps appreciate, but which I trust they will at least take at second-hand from me that it is not a convenient thing to put in the Secretary to Government as a voting member in any committee."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Though I am not inclined to press this amendment, yet I am very sorry to say, Sir, that I am not convinced by the arguments of the Hon. the Premier. It will be seen that in the existing Public Health Committee, the Secretary to Government in the Education and Public Health Department is a member, and is functioning as the Secretary and it is not clear why he has been ousted, so to say, from that office now that a board is being formed. I do not know what sin he has committed to deserve such a treatment."

The amendment was put and lost.

New sub-clause (4).

* DR. M. J. SAMUEL:—"I beg to move—

'Add the following as new sub-clause (4):—

"(4) A health committee shall be constituted for each local area consisting of:—

- (1) Health Officer or some other officer deputed for the purpose by the local authority.*
- (2) A local medical practitioner.*
- (3) A member of the public.*

This committee shall advise the local authority or the Health Officer as the case may be on all public health matters."

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"Sir, in requesting the Hon. Mover of the Bill to adopt this additional sub-clause to clause 4, my idea is to make the local bodies take more interest in enforcing the rules and regulations by being advised by these health committees consisting of men of influence and those who are interested in the dissemination of knowledge of public health matters. So far as the present Bill goes, it does not give any scope for non-officials to work the provisions of the Bill. Secondly, the Health Officer with all his powers would cut a sorry figure unless he has a strong body of men in each local area to support him in enforcing the provisions of the Bill in all matters connected with the health of the people. Surely, this is the first time that the Health Officers are entrusted with extraordinary powers, which I am afraid would be misused if they are not properly directed and guided by the representatives of the people in the respective local areas. With these few remarks, I submit that this additional sub-clause may be accepted."

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I second it, Sir."

4-30 P.M. * THE HON. DR. T. S. S. RAJAN:—"The clause relates to the constitution of the Health Board whereas this amendment seems to create a number of boards all over the Presidency. By accepting this amendment, there will be a multiplicity of boards in all villages, towns and municipalities all over the country, which is not the object of the clause. It is at variance with the object of the constitution of the Public Health Board. It is therefore very difficult to accept the amendment."

"But I would like to point out here that local bodies have even to-day got their own health committees in the municipalities and other places and this law does not prevent such committees being formed and put in operation wherever local bodies think it is necessary. The acceptance of this amendment would not help the administration of the Act; the amendment is contrary to the object of the clause and is redundant. I am sorry I cannot accept the amendment."

The amendment was put and lost.

Clause 5.

Sub-clause (1).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I move—

'Restore the original sub-clause as it stood before it was altered by the Select Committee, namely:—

"5. (1) The Public Health Board shall advise the Government on such matters as may be prescribed as well as on such other matters as the Government may from time to time specifically refer to it."

The definiteness implied in the original clause has unfortunately been removed by the alteration made by the Select Committee.

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According to the original clause, the Public Health Board was required to advise the Government on such matters as may be prescribed, and also on such matters as may specifically be referred to it. Thus there will be double function. There will be cut and dried rules under which the Board will be consulted and also there will be specific occasions on which reference will be made to it. Now, Sir, under the modified clause there is a sort of colourless duty imposed upon the Board. It is only required to advise the Government on such matters as may be referred to it by the Government. My own fear is that such occasions may be few and far between and eventually it may be that the Government may not consider it necessary to consult the Board at all, and even if they do consult the Board, it may be on very rare occasions. The clause as it stood originally was more definite. Instead of it, we have here in this clause the duties of the Board prescribed in an indefinite manner. Therefore, I contend that the original clause may be restored."

SRI B. BHAKTAVATSALU NAYUDU:—"I second the amendment."

* THE HON. DR. T. S. S. RAJAN:—"Sir, I would like to give an answer both to this amendment and the one that follows because the answer will be the same. The idea here is to make the Government entirely responsible for the discharge of the duties under this Act. If the original clause is to stand, the responsibility will be divided between the Government and the Board. The Select Committee considered this aspect of the matter and it was thrashed out fully and the point was accepted by the Government. The responsibility for working the various provisions of the Act is on the Government and it is not sought to throw the burden on any other body. If the Board is to be given more powers, and if it is to advise on matters which are not referred to it by the Government, then there will be divided responsibility. As an administrative measure it will lead to endless difficulties. This aspect of the matter was clearly brought out during the proceedings of the Select Committee and the Government accepted the position, as they accepted the principle of nomination. The Government have taken upon themselves the sole and entire responsibility for the working of the Act. Hence, I am sorry I cannot accept the amendment."

The amendment was by leave withdrawn.

Clause 6.

Sub-clause (2).

* H. S. HUSSAIN SAHIB BAHADUR:—"I move—

'In line 3, for the words "Director of Public Health," substitute the words "Inspector of Local Boards and Municipal Councils".'

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"My object in moving the amendment is that the direction by the Government should be given to an officer who is in close touch with the local bodies and who is the proper authority to control them and will be able to carry out the provisions of the Bill. Under sub-clause (1), the Government have power to inspect, control and superintend the operations of local authorities under the Act. Under sub-clause (2), the Government have to define the powers to be exercised and the duties to be performed by the Director of Public Health. My submission is that it would be more appropriate to entrust this work to the Inspector of Local Boards and Municipalities and ask him to inspect, superintend and control the operations of the local authorities in respect of the carrying out of the provisions of this Act."

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I second the amendment."

* SRI T. T. KRISHNAMACHARIAR:—"Mr. Speaker, I oppose the amendment for the reason that the framework of the Act depends upon the Director of Public Health and his department. The amendment is based upon a misconception. I cannot see how the Inspector of Municipal Councils and Local Boards comes into the picture at all. I do not think that he has got anything to do with the carrying out of the provisions of the Act. This is a Public Health Act and it is only natural and proper that the Director of Public Health should have the powers of supervision and control. For these reasons I oppose the amendment."

* THE HON. DR. T. S. S. RAJAN:—"I regret I cannot accept the amendment. It is very doubtful if the Inspector of Local Boards and Municipal Councils is or is not there. It would be a very difficult situation if he is to be given certain powers when he is not there. For this reason, I oppose the amendment."

The amendment was by leave withdrawn.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I move—

'In lines 4 and 5, omit the expression "for the purposes of sub-section (1)">'.

"Under sub-clause (2) of clause 6, the Government may, from time to time, define the powers to be exercised and the duties to be performed by the Director of Public Health or any member of his staff for purposes of sub-clause (1). The words 'for purposes of sub-clause (1)' would seem to limit the directions given for the purposes defined in sub-clause (1), i.e., to inspect, control and supervise the operation of the local authority under this Act. I do not see the necessity for it. Rules will be issued by the Government to define the powers of the Director of Public Health with reference to these matters alone; but other directions are also

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necessary in order to regulate his work in view of the fact that this is the first time very extraordinary powers are granted to the Director of Public Health. This position has been very clearly stated in the explanatory memorandum to this clause in the original Bill:—

"There is no provision in the existing law for the Director of Public Health exercising any statutory power of control and superintendence over the operations of local authorities. Such a power is considered necessary and is provided for in the Bill."

Statutory power of control is granted to the Director of Public Health for the first time and he is empowered to exercise enormous control over local authorities. It is very necessary, in my humble opinion, to have definite rules and orders defining the powers of the Director of Public Health not only with reference to particular aspects of public health work but in all cases generally. That was what was aimed at in the original clause; but unfortunately that has been altered and hence the need for the amendment."

SRI B. BHAKTAVATSALU NAYUDU:—"I second it."

THE HON. DR. T. S. S. RAJAN:—"According to this section the Government give certain powers to the Director of Public Health. After all, sub-clause (1) says that the Government shall have power to inspect, control and superintend the operations of local authorities under this Act. The Government know that they are giving certain powers of the Director of Public Health as the head of a department and his staff for purposes of control, inspection and supervision, which powers the Government have taken under sub-clause (1). They will regulate the powers of the Director of Public Health, having in mind the power taken by them under sub-clause (1). If the amendment is accepted, there will be a conflict of duties and the Government will not be in a position to carry out the responsibilities they have taken upon themselves. I am sorry I cannot accept the amendment."

The amendment was by leave withdrawn.

Clause 7.

* H. S. HUSSAIN SAHIB BAHADUR:—"I move—

'In line 2, after the word "recommend," insert the words "to the Government".'

"According to the section as it stands, it may mean that the recommendation is to be made by the Director of Public Health direct to the local authority and then the local authority will have to carry it out. It will be very difficult for the local authorities to carry out the orders couched in the form of recommendations to the local authorities. On the other hand, it would be much more proper if the recommendations were to be made to the Government who in turn may direct the local authorities to carry out those recommendations."

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1-45 p.m. K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I second it."

THE HON. DR. T. S. S. RAJAN:—"Sir, amendments Nos. 85*, 86, 87 and 88 are more or less intended to cover the same position as that taken by amendment No. 85. The position really comes to this: under this Bill power is given to the Director of Public Health to address local authorities directly. Now, if this amendment is carried, the Director of Public Health cannot communicate with the local authorities directly; but he has first to write to the Government and the Government have to communicate with the local authorities. This is an absolutely cumbersome procedure; and no health measures can be carried out quickly. Therefore I do not really feel that any useful purpose will be served by accepting this amendment except perhaps maintaining the prestige of the local authorities. As I said, in matters of health, the Director of Public Health should have power to take quick action, particularly on the outbreak of any epidemic. So, I regret I cannot accept the amendment, not only No. 85 but the succeeding amendments up to No. 88.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"May I interrupt for a minute, Sir? I request I may be given an opportunity to move amendment No. 87 of which I have given notice. I suppose amendment No. 87 is not covered by the amendment just now moved."

The amendment* was by leave withdrawn.

SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I beg to move—

'In lines 6 and 7, omit the words "and it shall be the duty of the local authority to adopt all such measures:" and convert the semi-colon after the word "therein" in line 6 into a colon.'

"I find that the direction 'it shall be the duty of the local authority to adopt all such measures' is self-contradictory; I mean it contradicts the statement made in the earlier portion of the clause, which runs thus: 'The Director of Public Health may, from time to time as occasion requires, recommend for adoption.' When the Director 'recommends' for adoption by the local authority, it cannot at the same time be stated that 'it shall be the duty of the local authority to adopt all such measures.' The earlier wording of the clause shows that the direction is only recommendatory and not mandatory. So, I submit, the clause is self-contradictory, and therefore I move the amendment to omit those words."

SRI B. BHAKTAVATSALU NAYUDU:—"I second it."

* Amendment moved by H. S. Hussain Sahib Bahadur.

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* THE HON. DR. T. S. S. RAJAN:—"The amendment practically comes to this: the Director of Public Health is to make recommendations and the local authorities are to adopt those recommendations."

MR. SPEAKER:—"But the Bill proceeds thus: 'It shall be the duty of the local authority to adopt all such measures'."

THE HON. DR. T. S. S. RAJAN:—"Exactly so. But the clause does not stop with that. If the local authorities do not agree with the recommendation of the Director of Public Health, the proviso to the clause makes provision for such a case. It runs thus: 'Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.' So the whole thing runs as one clause. It is not as if the proviso is completely distinct from the foregoing portion of the clause."

SRI G. KRISHNA RAO:—"On a point of information, Sir, I wish to know why in the beginning of the clause it is made a recommendation, but, towards the close of it, it is made obligatory."

MR. SPEAKER:—"That is exactly the point which the Hon. Minister is now explaining."

SRI G. KRISHNA RAO:—"I am sorry; I thought he had finished his speech."

* THE HON. DR. T. S. S. RAJAN:—"The real point is this. The clause says that the Director of Public Health may recommend and it is the duty of the local authorities to carry out the recommendation."

MR. SPEAKER:—"But if it is a recommendation, it may be considered, objected to and need not necessarily be carried out."

* THE HON. DR. T. S. S. RAJAN:—"Yes, and the proviso provides for such cases."

MR. SPEAKER:—"The proviso limits the power of the local authorities in rejecting the recommendations."

* THE HON. DR. T. S. S. RAJAN:—"The proviso qualifies the obligatory part of the main clause and gives an opportunity to the local authorities to appeal to the Government."

MR. SPEAKER:—"If it is only a recommendation of the Director of Public Health to the local body, why should the local body be put to the necessity of appealing to the Government?"

* THE HON. DR. T. S. S. RAJAN:—"If it is not made obligatory on the part of local bodies to carry out the recommendation, then it will be defeating the whole purpose of the enactment. The

[Dr. T. S. S. Rajan] [18th January 1939]

recommendation of the Director of Public Health should not be construed as an expression of his opinion. But if it happens that the recommendation cannot be carried out, there is the proviso provided for to meet such cases."

SRI G. KRISHNA RAO:—"Anyhow I should say, the clause is badly drafted."

MR. SPEAKER:—"Mr. Krishna Rao will be called upon to speak at the proper time."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, this Public Health Bill is a very peculiar Bill. (Laughter.) It is in some parts like any other ordinary piece of legislation; but in some other parts by common consent it partakes the form of propaganda, advice and education. (Laughter.) Therefore, a new clause of an obligatory character is introduced here. The sovereign authority of the local bodies is recognized and therefore the wording 'recommends' is used here. At the same time as the local authority is to look after public health, it is stated: 'It shall be the duty.' It is contradictory with the legal and statutory position of the local authority; but no words more scientific from the statutory point of view . . ."

MR. SPEAKER:—"Nor legally." (Laughter.)

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I mean legally scientific, can be found. For instance, I can pick out several such enactments which run in an educative style. That is the only defence I can make for this combined character of the clause, such as, 'recommendation' and 'duty.' And this is made clear by the proviso. It is something like what we have in the Educational Code. As you know, the local bodies shall consult the Educational Officers in matters of education, and unless they express their reasons for disagreement, they are bound to follow the recommendation of the Educational Officers. Such is the meaning of the present clause."

SRI G. KRISHNA RAO:—"The point now before the House is . . ."

THE HON. SRI C. RAJAGOPALACHARIAR:—"May I cut short the discussion? Government are quite prepared to omit those words, as the meaning remains exactly the same without those words." (Laughter.)

MR. SPEAKER:—"So the amendment is accepted."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Once in my life my amendment is accepted." (Laughter.)

MR. SPEAKER:—"Yesterday one of your amendments was accepted."

* THE HON. DR. T. S. S. RAJAN:—"He will have many more chances."

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THE HON. SRI C. RAJAGOPALACHARIAR:—"In fact I have given a general instruction to the Health Minister to accept all such amendments."

The amendment was put and carried.

Clause 9.

Sub-clause (1).

SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I beg to move—

'Delete sub-clause (1).'

"Sub-clause (1) of clause 9 runs thus: 'A local authority shall, if so required by the Government, include the post of a Health Officer in its establishment schedule.' This clause seems to be unnecessary in view of sub-clause (1) of clause 8. That sub-clause says, 'The public health establishment of every local authority (other than the Corporation of Madras) shall be on such scale as the Government may from time to time direct.' If the Government decides the scale, *ipso facto* the local authority has to appoint a Health Officer."

SRI B. BHAKTAVATSALU NAYUDU:—"I beg to second the amendment."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am sorry to say that I have to make an exception to the assurance I gave so soon. Sub-clause (1) of clause 8 authorizes the Provincial Government to fix the scale of salary of the public health establishment, which is quite different from the appointment of a particular officer. So sub-clause (1) of clause 9 will be necessary in the Bill."

The amendment was by leave withdrawn.

Sub-clause 2 (b).

SRI H. B. ARI GOWDER:—"I move, Sir—

'Omit sub-clause (2) (b).'

"I do not know, how the Government are going to collect the contributions from the panchayats which are the local authorities in rural areas and which are very poor. I suggest that minor panchayats be exempted from making any contribution. If they are asked to make any contribution, surely there will be representations and endless correspondence. Besides, if the Government are going to depend on the contributions of the panchayats in the matter of the appointment of Health Officers, it will be very difficult for them to administer the Act. I hope the Government will bear this in mind, and if the amendment is not accepted, they will at least frame rules so that the panchayats which are not able to make any contribution may be exempted."

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The amendment was duly seconded.

THE HON. DR. T. S. S. RAJAN:—"Before any health scheme is proposed the resources at the disposal of those local bodies are always taken into consideration and the Inspector of Local Boards and the Accountant-General who are responsible for auditing the finances of these bodies have been consulted. If it is prohibitive financially, or if the scheme could not be carried out without the help of the Government, the Government have always given contributions and such necessary help as occasion demanded. Therefore I do not see anything useful in accepting this amendment."

The amendment was by leave withdrawn.

Clause 10.

Sub-clause (1).

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I move—

'In line 5, after the words "one or more" insert the words "Health Officers or."'

"I want, Sir, that the Government should not have merely the power of appointing additional Health Officers as suggested but they must have the power of appointing Health Officers as such. I want to give the Government larger powers." (Interruption.)

MR. SPEAKER:—"You want the word 'Additional' to be struck out."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"No, Sir. In clause 9, temporary officers . . . (Interruption.) In clause 9, it is said that the local authority shall, if so required by the Government, include the post of a Health Officer in its establishment schedule. But under clause 10, if appointment is made for temporary periods, the Government can merely appoint additional Health Officers. Supposing in a municipality where there is no Health Officer a Health Officer is required for a temporary period, clause 10 does not give the Government the right to appoint Health Officers for that temporary period."

MR. SPEAKER:—"That is exactly what I mean. You evidently seek to delete the word 'additional.'"

BASHEER AHMED SAYEED SAHIB BAHADUR:—"No. I want the word 'additional' to be there and to insert the words 'Health Officers or' before the words 'additional Health Officers.' That will be the wording if the amendment is accepted. Clause 9

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confers the power upon the Government to appoint permanent Health Officers wherever Health Officers are necessary. But clause 10 seeks to give power of appointment only in temporary emergencies where there is already a Health Officer. Emergencies also may arise where there is no Health Officer at all, in a particular municipality. Then instead of a Health Officer, it might be called upon to appoint an additional Health Officer. Therefore, I say that the Government must have the power to appoint a Health Officer for a temporary period in any municipality where there is no Health Officer as such, as this clause only gives power to appoint additional Health Officers. I think the Government will not reject the additional powers, if they are given them."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I just want to point out, Sir, that there are Health Officers in all the municipalities. But where there are municipalities without any Health Officer, the District Health Officer will be the Health Officer. And, therefore, it is provided in this clause to appoint additional Health Officers. There is no need for the insertion of the words 'Health Officers or' there."

MR. SPEAKER:—"Does the mover of the amendment withdraw it in view of the explanation offered by the Hon. Minister?"

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I am helpless, Sir." (Laughter.)

The amendment was by leave withdrawn.

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I move—

'In lines 7 to 9, omit all the words commencing from "or for investigating....." and ending with "such mortality."'

"Sir, the purpose of this amendment is that the Government are legitimately entitled to recover the expenses for the treatment of certain infectious diseases and to prevent the spread of the infection and to prevent mortality as the case may be. It has been wrongly placed. I do not move it."

Sub-clause (2).

* H. S. HUSSAIN SAHIB BAHADUR:—"Sir, I move—

'In line 3 between the words "under" and "Madras" insert the word "the".'

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment, Sir."

The amendment was put and carried.

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THE HON. DR. T. S. S. RAJAN:—"I move—

'In lines 4 and 5, for the expression "on such salary or allowances" substitute the words "on such salary or allowances or both".'

This is only a verbal amendment to make the clause clear."

The amendment was put and carried.

* SRI H. B. ARI GOWDER:—"Sir, I move—

'In lines 5 and 6, omit the words "payable from the funds of the local authority."'

If the Government are going to appoint a Health Officer for a panchayat board and charge the expenses to that body, which is unable to bear the expenses, there is no point in saying that the expenses should be payable from the funds of the local authority. Therefore, I suggest that the words 'payable from the funds of the local authority' may be omitted."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"It is a definite obligation on the part of the local bodies. The Government cannot accept the responsibility."

The amendment was put and lost.

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

'At the end for the expression "payable from the funds of the local authority." substitute "The salary and allowances shall be payable from the funds of the local authority."'

This is also a verbal amendment to make the clause quite clear."

The amendment was put and carried.

Clause 11.

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Sir, I move—

'In line 2, add the words "Executive Authority or" after the word "any" and before the word "officer."'

The reason for which I move this amendment is this. Clause 11 empowers Government employees or the employees of a local authority to exercise the powers of a Health Officer. I do not see any harm in such powers being given to the executive authority also. After all the powers that will be given will be powers specifically given to them under the orders of the Government. So, Sir, in my opinion there is no danger of the executive authority doing any harm to any body by using all sorts of powers or misusing the powers given to it. The executive authorities are

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already agitating, Sir, that many of the powers have been taken away from them. If this amendment is carried, it will meet their grievance to a large extent. I move the amendment, Sir."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"The executive authorities are people who are not necessarily officers. They are always non-officials. If we give them powers of the Health Officer over the local boards, it will be improper. It is only a question of status. We do not want to interfere with non-officials by asking them to do officers' work."

The amendment was put and lost.

Clause 13.

Sub-clause (1).

New proviso.

MR. SPEAKER:—"It is not a very important amendment. Is it withdrawn?" (Laughter.)

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I have just one point, Sir. The clause contemplates the transfer of any member of the public health establishment of a local authority to the public health establishment of another local authority. The local authority in this case will be a district board or a municipality or a panchayat board. Now, my amendment is with reference to the Health Officers. The Health Officer of a local authority will be the Health Officer of the district. If he is transferred from one district to another, then it will cause some administrative inconvenience. Take, for instance, the case of the Health Officer of North Arcot being transferred to Chittoor or the Health Officer of Guntur being transferred to Godavari without the consent or knowledge of the Government; it might probably inconvenience the general administration. I, therefore, think that in the case of the Health Officer alone, it would be advisable to obtain the previous approval of the Government before he is transferred.

"Therefore, I move, Sir—

*'Insert the following proviso after sub-clause (1):—**"Provided the transfer of a Health Officer from one local authority to another shall be effected with the previous approval of the Government."'*

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I am rather amused, Sir, that this amendment comes from the hon. Mr. Appadurai Pillai, because the Health Officers are all gazetted officers and no transfer of a gazetted officer can be effected unless it is approved by the Government."

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MR. SPEAKER:—"I suppose the amendment is withdrawn."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I am only surprised at the summary way in which the Hon. Minister disposes of my amendment. The clause as it stands is not explicit on this point."

* THE HON. DR. T. S. S. RAJAN:—"Every attention has been paid. The clause is absolutely clear with reference to the subject."

MR. SPEAKER:—"After the explanation given by the Hon. Minister, does Mr. Appadurai Pillai press for a vote?"

The amendment was by leave withdrawn.

Sub-clause (3).

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* H. S. HUSSAIN SAHIB BAHADUR:—"I move—

'In line 5, between the words "pay" and "the" insert the words "for the period of such temporary duty,"'

"I propose this amendment because the matter may be made clear."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

Clause 14.

Sub-clause (2) (a).

* H. S. HUSSAIN SAHIB BAHADUR:—"I move—

'In line 3, omit the words "transfers and" and between the words "punishments" and "of", insert the words "and dismissal."'

"In this connexion my submission is this. The power of transferring a member of the health establishment is given to the Director of Public Health under section 13. It cannot be that a Health Officer of one local authority can transfer a member of one local establishment to another local establishment. He must always be another superior officer who has got control over all the local bodies. Therefore I move the amendment."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I just want to draw the attention of the hon. Member to the fact that dismissal also is a form of punishment and therefore it need not be specifically mentioned there."

The amendment was put and lost.

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K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I move—

'In lines 6 and 7, for the words "Health Officer subject to the approval of the executive authority", substitute the words "executive authority with the concurrence of the Health Officer."'

"Sir, it is seen that the change was effected by the Select Committee. The powers of appointment and transfer should be with the executive head and not with the Health Officer. It is the executive officer that must have entire control over the local body in his charge. When there is an executive authority it is dangerous to give equal power to the Health Officer also. Let it be concentrated in one. Therefore I move the amendment."

* H. S. HUSSAIN SAHIB BAHADUR:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"This matter was clearly discussed and as far as the health staff is concerned the Health Officer is given power to make appointments of members of the establishment referred to in sub-section (1). But the power of the supreme authority has been recognized and a special clause has been added. There is nothing inconsistent in this and we have practically compromised all those objections raised by the proposal 'subject to the approval of . . .'"

The amendment was put and lost.

Clause 16.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I move—

'In lines 11 to 13, for the words commencing with the word "subject" substitute the following:—

"subject to the same rights of appeal by an aggrieved person against the orders of a Health Officer as were available to him under the above-mentioned Acts in respect of the orders passed by the Executive authorities in such matters."'

This is only intended to assure that the same rights of appeal would be available to an aggrieved person as are now provided under the present Acts. It is stated here 'subject to such appeal and control as the Government may determine.' What I suggest is that the right of appeal of an aggrieved person to the extent quoted in the clause may be definitely stated for the sake of clearness."

MR. B. BHAKTAVATSALU NAYUDU:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"If I accept this there will be inconsistency between this clause and the Public Health Bill when it becomes law. Therefore I oppose it."

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The amendment was by leave withdrawn.
 Clause 4 as amended was put and carried.
 Clauses 5 and 6 were put and carried.
 Clause 7 as amended was put and carried.
 Clauses 8 and 9 were put and carried.
 Clause 10 as amended was put and carried.
 Clauses 11 and 12 were put and carried.
 Clause 13 as amended was put and carried.
 Clauses 14 to 16 were put and carried.

CHAPTER III.

Clause 17.

Sub-clause (1).

* H. S. HUSSAIN SAHIB BAHADUR:—"I move—

'In line 2, omit the words "provide or."'

"These words are unnecessary. Therefore I bring this amendment."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"These are all drafting alterations in these two sub-clauses. I cannot accept them."

The amendment was by leave withdrawn.

Sub-clause (3).

* H. S. HUSSAIN SAHIB BAHADUR:—"I move formally—

'In line 2, omit the two commas.'

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

Clause 18.

Sub-clause (1).

* SRI H. B. ARI GOWDER:—"I move—

'Add at the end, the words "provided the local authority has sufficient funds at its disposal."'

"This is a very reasonable amendment and I hope the Government will accept it. The whole Bill seems to have been drafted on the assumption that the local authorities have plenty of funds. In fact many of them have little or no funds at all. At least in the rules they frame I hope the Government will give due consideration to the question whether the local authorities have

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funds or not. Otherwise there will be difficulty in the working of the Act. Some of the local authorities may not have any funds and the Government may issue orders without considering that. So I appeal to them to accept it."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"The hon. Member shows unnecessary apprehension with regard to the funds of the local bodies. I would assure him that the relationship between the local bodies and the Government are in safe hands. They have given loans and they are interested in recovering them and specially good care is taken that they do not spend unnecessarily. On this assurance I hope the amendment will be withdrawn."

* SRI H. B. ARI GOWDER:—"In view of the assurance, I withdraw the amendment."

The amendment was by leave withdrawn.

Sub-clause (3).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move— 5-30 p.m.

'In line 11, for the words "Health Officer," substitute the words "local authority,"'

This is intended to rectify an error which has apparently crept into the Bill. If a local authority declares that a certain source of water-supply is needed for these purposes, the control of the water-supply shall vest in the local authority. I do not know how the local authority has been replaced by the Health Officer. Once the local authority declares that a certain source of water-supply is needed for these purposes, the effect of the declaration would be that the control of such a water-source shall vest in the local authority. Now, that is the explanation given in the Select Committee's Report. It is stated on page 4 of that Report, 'and under such declaration it shall be under the control of the local authority.' That is quite reasonable. After such a declaration the source vests in the local authority, whereas in the Bill, Sir, it vests in the Health Officer. I should think, Sir, the power of declaration of the water-source should vest in the local authority and not in the Health Officer."

SRI B. BHAKTAVATSALU NAYUDU:—"I second it, Sir."

THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

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* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move—

'Add the following proviso to sub-clause (3):—

"Provided that where such source of water-supply is found to be private property, the Collector of the district or other officer empowered by Government in this behalf will take steps for the acquisition of such source or the right to make use of it, under the Land Acquisition Act, the cost of such acquisition being met from the funds of the local authority."

This is an important amendment calculated to safeguard the interests of private ownership. The clause provides for the taking over of private property for the purpose of executing works thereon, but absolutely no provision has been made, Sir, for any compensation to be paid in respect of such private property. That seems to be a lacuna in the Bill. I therefore think that the lacuna should be removed by the insertion of the proviso I have given notice of. Any private man whose water-source is being taken hold of by any local authority will have the power to sue the Government or the local authority in a Court of Law, and it is only the Land Acquisition Act that would confer an indefeasible right to private property, on Government or on any local authority. I would, therefore, plead for the insertion of the proviso suggested."

SRI R. M. PALAT:—"In seconding this amendment I may say that if such provision is not made in the section, it will become *ultra vires* under section 299 of the Government of India Act. The Act says that no private property can be acquired or utilized for public purposes unless some provision is made for compensation. Therefore, unless the amendment which has been moved by Mr. Appadurai Pillai is accepted or some such similar provision is made I think the Act will make this clause invalid."

THE HON. SRI C. RAJAGOPALACHARIAR:—"The move of this amendment, I submit, is under a misapprehension. I submit it is not the intention of this clause to take over the property. It would have been drafted in an entirely different manner if it was intended to take over property of private persons. What is intended here is that, as it very often happens in our country in spite of modern civilization, when private wells are allowed to be used by a large number of people for drinking purpose where there is scarcity of water, the same regulations which are necessary for looking after the sanitation of the wells should be applied to such places also. If it is intended to take over the property, hon. Members will see that the whole clause would have been set on a different basis. That is, we have gone there only to the extent necessary for such purpose. So, no apprehension

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need be entertained that this is a question of acquisition. That is why the words 'Health Officer' were put there. But it was sought to be made more scientific and legally accurate and so 'local authority' was put. The words 'local authority' would indicate sufficiently that it is not acquisition of property."

* MR. J. NUTTALL:—"What I fear is this: If Mr. Appadurai Pillai's amendment is not accepted, it may lead to local authorities neglecting their proper duties. It is only right that they should provide an adequate supply of drinking water and not depend in times of great shortage on any private supply. Therefore, I think this amendment would be a protection as it would ensure local authorities paying more attention to the matter of water-supply."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I am sorry I have to rise again. I fundamentally differ from the philosophy behind Mr. Nuttall's proposition. I do not agree—and it is impossible in our country to agree—that the duties of the Government or of their agents, the local authorities, can be financially solved and performed, if that philosophy is accepted. It is the intention of this Government—and it is only a part of that intention that is seen in this section—to supplement its resources by private philanthropy and we propose to encourage such charity."

* SRI R. M. PALAT:—"I would like to say that the point of order that was raised by me has not been properly answered. The point of order was that any interference in the full ownership of private property is to that extent confiscation of property."

MR. SPEAKER:—"If it is voluntary?"

* SRI R. M. PALAT:—"Then there is no need for this section. We could entirely leave out the words referring to private ownership, if it is voluntary. Otherwise I should like to get a ruling on the point of order which has been raised by me, for the section is *ultra vires* of this Legislature under section 299 of the Government of India Act."

MR. SPEAKER:—"How do you say it is *ultra vires*?"

* SRI R. M. PALAT:—"This Legislature has no power to confiscate any property without compensation."

MR. SPEAKER:—"There is no question of 'confiscation' here at all."

* SRI R. M. PALAT:—"If there is any diminution in the free exercise of ownership, there is confiscation to that extent."

MR. SPEAKER:—"The clause does not contemplate any confiscation at all. It is only inferential."

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* SRI R. M. PALAT:—"Whether it is plainly stated or inferential, there is an interference with the full exercise of ownership if the Government can step in and allow water to be taken from a private well."

MR. SPEAKER:—"I hold there is no question of *ultra vires* here."

* SRI R. M. PALAT:—"Well, Sir, the section may be referred to, if you do not mind."

MR. SPEAKER:—"I was looking at the section before giving the ruling. I do not think it is *ultra vires*."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I think, Mr. Speaker, there is a misapprehension with reference to the ruling, which it is necessary to dispel. I would invite your attention to the wording of the section. He has asked you, Sir, to analyse the section. But I should like to ask you to see the important words there. What is it that the section says? If Mr. Palat, for example, allows his well to be used, as a good man is bound to if there is water scarcity in the village, but his agents do not look to its cleanliness but allow it to be in a bad condition, that charity is dangerous. In that case under this section it shall be the duty of the Health Officer to go and clean it and it is within his power. He will be a trespasser if the section is not there, whereas all those who are permitted to take water would not be trespassers because he permits them. This section gives power to the local authority to control the water-supply to that extent. There is no question of compensation or acquisition or *ultra vires* in this matter."

* SRI R. M. PALAT:—"The Hon. Minister's explanation will be all right if in line 7 the word 'is' is omitted from the phrase 'from which water is or may be made available.' Otherwise the Government may enforce a right to the property of people."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Certainly, Sir, it will be the other way about. The expression 'may be made available' needs an explanation. The word 'is' exactly brings out my point more clearly. It may be pleaded that it is not allowed now, but the Health Officer thinks that it will be done to-morrow or the next day because the water is there and this is only to provide for such cases. It is not as if the Government take power to make it available."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"If that is safeguarded at least by rules framed under this Act, to provide for compensation in cases where such user is allowed, that will answer my point."

MR. SPEAKER:—"Compensation will be provided wherever the Government think it necessary. It is their duty. In view

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of the explanation given by the Prime Minister, does the hon. Member think that this proviso is necessary?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I may point out that the amendment may throw doubt on the object of this section. It would introduce the purpose of purchasing and acquiring."

The amendment was by leave withdrawn.

Clause 19.

Proviso.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move—

'In lines 2 to 5, for the words "communicate . . . against the proposal," substitute the words "give two months' notice of the grounds to the local authority."'

This amendment aims at making the provision more definite because it is stated that the Government shall communicate to the local authority, fix a reasonable period, etc. 'Reasonable period' may mean anything. It is indefinite and vague. It is better to avoid indefiniteness in a legal provision. I, therefore, move that my amendment may be accepted."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—" 'Reasonable period' is an elastic term. We have got to consult the means of a local body. It may take time. If you put two months, it might take more time or it might be finished sooner; but 'reasonable period' is absolutely elastic and, at the same time, implies due care and attention given to enable a local body to form its opinion and communicate its reply to the Government."

The amendment was by leave withdrawn.

Clause 20.

Sub-clause (3).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move—

'In line 3, after the word "lie," insert the words "within thirty days from the date of such direction."'

The object of this amendment is to know within what period an aggrieved person is at liberty to file an appeal. If he files an appeal two or three months later and it is rejected on the ground of delay it would not be fair. It would, therefore, be better, Sir, if at least in cases where an appeal lies some period is fixed so that the appellant may know whether he is within time or not."

The amendment was duly seconded.

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* THE HON. DR. T. S. S. RAJAN :—" Sir, under sub-clause (3) an aggrieved party may go to the Government. All the protection that the hon. Member requires has already been provided for."

MR. SPEAKER :—" An appeal shall lie within what period?"

* THE HON. DR. T. S. S. RAJAN :—" Sub-clauses (4) and (5) make it clear. Under sub-clause (4) power has been taken to specify the period within which the work has got to be done and sub-clause (5) provides for the execution of the work. Everything is covered by sections (3), (4) and (5)."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI :—" But there is no definite period fixed for preferring an appeal. It is the right of every citizen to prefer an appeal if he is aggrieved."

MR. SPEAKER :—" Is it not necessary to specify the period?"

* THE HON. DR. T. S. S. RAJAN :—" It is superfluous and it will cause a lot of difficulties if a man takes a lot of time for preferring an appeal."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI :—" That is why I have said thirty days."

MR. SPEAKER :—" Supposing the aggrieved party takes six months?"

* THE HON. DR. T. S. S. RAJAN :—" But here action has got to be taken by the local authority within a particular time and all that. Afterwards only they can do the work."

MR. SPEAKER :—" They will prescribe the time."

The amendment was put and lost.

Sub-clause (4) (b) (ii).

* H. S. HUSSAIN SAHIB BAHADUR :—" Sir, I move—

' In line 1, omit the word " local." '

This word is not used before the word ' authority ' or ' authorities ' in any other part of this clause. The only word used is ' authority ' or ' authorities.' It is only in this sub-section that the word ' local ' has been used. I therefore suggest that the word ' local ' may be omitted."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN :—" It is a very dangerous thing to do. The local bodies will have to recover some part of the cost incurred by them. If we omit the word ' local,' the local bodies will lose. Therefore the amendment cannot be accepted."

The amendment was by leave withdrawn.

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Sub-clause (6).

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

' In paragraph (a) of the Explanation, for the expression " section 24 " substitute the expression " section 25 " . '

The amendment was put and carried.

Clause 21.

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR :—" Sir, I move—

' In line 1, for the words " Director of Public Health," substitute the words " Collector of the district." '

The reason behind this amendment is this: the Director of Public Health is an officer residing in Madras and the district Collector will be the proper person to give his opinion and conduct an investigation under section 20. So, in my opinion, it would be much better if this power of investigation is given to the district Collector and not to the Director of Public Health. I request the Hon. Minister to accept the amendment."

* H. S. HUSSAIN SAHIB BAHADUR :—" I second it."

* THE HON. DR. T. S. S. RAJAN :—" This is an emergency provision. Therefore we cannot afford to have a duplication of authorities. The Director of Public Health is the man concerned with the matter, and if the authorities concerned are to go on searching for the Collector, the emergency would have been over by the time they found the Collector of the district."

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR :—" It would be much more difficult to find the Director of Public Health than to find the Collector. The Collector will be available in the district, whereas the Director of Public Health who is an officer residing in the City of Madras will be difficult to be approached. I do not see why this amendment should not be accepted."

* THE HON. DR. T. S. S. RAJAN :—" The Director can act always on information received, Sir."

The amendment was by leave withdrawn.

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR :—" Sir, I move—

' In line 3, between the words " water-supply " and " is contaminated " insert the words " in a local area " . '

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN :—" I accept the amendment."

The amendment was put and carried.

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* SRI H. B. ARI GOWDER:—"Sir, I move—

'Add at the end the following sentence:—

"In such a case Government will advance a loan or make a grant as the case may be, if the local authority has no funds sufficient for the purpose."

This is more or less on the same line as the amendments which were lost. I would assure the Hon. Minister that my object in moving this amendment is only to save the Government and the local bodies from difficult situations in times of emergency. I believe that if the Government are not prepared to accept this, they will find it necessary to make provision for this purpose at least in the rules they are going to frame."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"There is no need to impose any such statutory obligation on the Government. They are always interested in the solvency of the local bodies. I have already explained in another connexion that this amendment is unnecessary and superfluous."

SRI H. B. ARI GOWDER:—"I am afraid the Hon. Minister did not hear me, Sir."

The amendment was put and lost.

Clause 24.

Sub-clause (1).

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Sir, I move—

"In line 1, between the words "the" and "Health Officer," insert the words "Collector of the district on the recommendation of the.""

Under this clause the Health Officers are given very wide powers 'to keep and maintain any such source of supply in such manner as the Health Officer may direct . . .'. I am sure the Hon. Minister will agree that it is advisable to entrust such powers to highly responsible officers like the district Collector. Therefore this amendment must be inserted with a view to see that the Health Officer does not misuse his power and lay unnecessary obligations on private parties."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I have already explained the position of the Government in this matter. I cannot accept the amendment."

The amendment was by leave withdrawn.

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* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Sir, I move—

"In line 10, for the words "twenty-four" substitute the words "thirty-six"."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

Sub-clause (2).

* H. S. HUSSAIN SAHIB BAHADUR:—"Sir, I move—

"In line 6, after the word "person," and before the word "at", insert the words, "or persons,"."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

Clause 25.

Sub-clause (1).

* SRI H. B. ARI GOWDER:—"I move—

"In line 4, insert between the words "tax" and "which," the words "payable in cash, kind or manual labour.""

In moving this amendment, I wish to draw attention to the fact that in a certain part of the year the villagers may have no funds to pay this tax proposed. To enable them to meet their obligations at such times, I suggest that the villagers may be asked to contribute manual labour if they have no cash with which to meet the same. It is only to help the Government and also the villagers that I have moved for the acceptance of this amendment."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"Sir, this is a novel procedure that has been suggested, namely, contribution of manual labour instead of cash. It is absolutely impossible to accept this. The suggestion may perhaps appear sound in principle, but it will be impracticable to consider it from the point of view of collection of revenue. The Government cannot certainly make a new departure in the procedure for the collection of funds particularly in the Health department."

The amendment was put and lost.

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New sub-clause (5).

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

'After sub-clause (4), add the following sub-clause:—

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

Sir, this provision may look redundant, but the fact is that this power of levying taxes under these sections remains. But, in view of what has been mentioned in this Act, there is a vague suspicion that railways for instance may not be covered by this section; because of this, this new sub-clause (5) is proposed to be added at the end of clause 25 and this will make it clear that this clause will not interfere with the existing powers possessed by the Madras Corporation and the municipal councils of the Province which levy water and drainage taxes. Under section 139 of the Indian Railways Act, it is the central authority that could impose the tax and therefore it may seem as if we are taking away the power from the local bodies. So, we want to reiterate once more that they have got these powers. It is only to make the matter clear that we have to introduce this sub-section."

The amendment was put and carried.

Clause 26.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I move the following amendment:—

'Delete clause 26.'

The clause says that no new house should be occupied by the owner without obtaining a certificate that water-supply has been provided and this certificate is to be obtained from a member of the health establishment not lower in rank than a sanitary inspector. My submission is that this is an invasion of private rights.

m. "The owner of a private building ought to be given the option of occupying it at any time he likes. Among Hindus an auspicious day is fixed for the occupation of a new house. If on the ground that water-supply has not been provided for that house it is ordered that the owner should not occupy it, it will interfere with the discretion of the person concerned, and probably the occupation of that house may have to be put off for a long time in that case.

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"Secondly, there is another vital objection to this clause: a building is constructed with reference to a plan previously submitted and approved of by the local authority, and such a plan provides for the necessary sanitary conveniences, water-supply, etc. So we must take it for granted that the owner of the building could provide the water-supply whenever it is possible for him to do so. If for some reason or other he is not able to provide water-supply for his house at a particular time, a mere certificate from the sanitary inspector would not in any way go to safeguard that contingency.

"My third objection to this clause is that this provision, if insisted upon, may lead to malpractices."

SRI B. BHAKTAVATSALU NAYUDU:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"Sir, here the whole thing applies to urban local areas where before any house is occupied it is quite possible for the house-owner to provide water-supply, etc. But if we do not have a provision of that sort, he may go on postponing the thing and ultimately drop the matter altogether. Of course it is absolutely difficult in village areas to insist upon such a provision being complied with. But it is certainly possible in municipal areas to provide for water-supply. Therefore the clause ought to be there and people who occupy houses in municipal areas should also be given facility for protected water-supply. Therefore, I cannot accept the amendment."

MR. SPEAKER:—"I suppose the hon. Member, Mr. Appadurai Pillai, does not want to say anything more."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"What shall I say, Sir? What I consider as a most rational amendment is thrown out. The Hon. Minister reminds me that the clause applies only to urban areas. I do not need any reminder. It is only in urban local areas that this invasion of private rights should be avoided. A person who wants to build a house or wants to occupy it ought to be in a position to exercise his right of occupying it at any time he pleases."

The amendment was put and lost.

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

'In line 7, for the words "Sanitary Inspector," substitute "Health or Sanitary Inspector,".'

If the words 'Sanitary Inspector' are retained, then they will refer only to municipalities. Both the Health and the Sanitary Inspectors have got the same status. So in order to make this point clear, we want to put in this amendment."

The amendment was put and carried.

Clauses 17 and 18 as amended, clause 19, clauses 20 and 21 as amended, clause 22, clause 23, and clauses 24, 25 and 26 as amended were put and carried.

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CHAPTER IV.

Clause 28.

Sub-clause (1).

Proviso.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move—

'In lines 2 and 3 of paragraph (a), for the words "one-hundred feet," insert the words "ten feet".'

Sir, this proviso provides that the owner of the building has to construct the drain up to 100 feet from his premises. This would be impracticable in most cases. If I am asked to construct a drain up to 100 feet from my premises, I would be encroaching upon the public road or in the neighbour's property. If it is fixed as 10 feet, it would perhaps be within proper limits. I would therefore move that a limit of 10 feet be fixed instead of 100 feet."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"We have to consider the question from this standpoint, viz., that the owner of a house has to construct the drain leading from his house up to a reasonable distance. Considered from that standpoint, the fixation of 100 feet is the maximum obligation that would be cast on the owners of houses under this Bill. I would draw the attention of the hon. Member to section 166 of the District Municipalities Act, where the obligation is placed upon the owners of houses to construct even roads and also drainage. Now under this Bill we do not cast any such obligation upon the owners of houses. If the main is within 100 feet, then the owner will have to bear the cost of constructing the drain leading to that main. But if the main is beyond 100 feet, then the municipality or the local authority will bear the cost for their portion. Up to 100 feet at least, the owners of houses must have the responsibility of laying out the drains leading to the public drain, at their own cost. So under these circumstances, I am afraid, I cannot accept the amendment."

The amendment was by leave withdrawn.

Clause 30.

Sub-clause (2).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move—

'In lines 5 to 7, for the words "construct such drain . . . repair it" substitute the words "have such drain constructed, and cause it to be cleansed and repaired".'

Sir, this is only a verbal amendment, and I hope the Hon. Minister will accept it."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"I accept it with a little qualification. If the owner is asked to construct a drain it does not necessarily mean that he should construct it with brick and mortar. He may construct it with such material as may be available to him and as may be considered suitable by the Health Officer. It may not be necessary for the owner to have the drain constructed by somebody else on his behalf. Therefore, I would omit the words 'have such drain constructed' proposed in Sri Appadurai Pillai's amendment. I would accept the amendment in the following form:—

'construct such drain and cause it to be cleansed and repaired'."

The amendment of Mr. Appadurai Pillai as amended by the Hon. Minister was put and carried.

Clause 32.

Sub-clause (1) (a).

* H. S. HUSSAIN SAHIB BAHADUR:—"I beg to move—

'In line 3, between the words "or" and "such" insert the word "within".'

In order to make the meaning of the clause clear, this amendment is necessary."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I second it."

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

Clause 34.

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

'For the words "or latrine" in sub-clauses (a) and (b), substitute "latrine or sanitary convenience".'

Sir, this is only a verbal amendment."

The amendment was put and carried.

Clause 35.

* MR. J. NUTTALL:—"I beg to move—

'In line 1, after the words "No person shall" insert the words "save as may be generally or specially prescribed".'

Sir, the idea of inserting these words is to enable certain manufacturers to turn their waste water into the public drain provided some authority gives them permission to do so. If the additional words above mentioned are included in this clause, it will enable

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the appropriate authority to allow, in certain cases, waste water to be turned into a public drain. There is a proviso which follows that prohibits anything being turned into the drain which would cause damage, but it should be open to the person who wishes to turn waste water into any public drain or water-course to apply to some authority or other for the requisite permission. I should be very glad if the Hon. Minister can see his way to accept this amendment."

1-15
a.m.

MR. SPEAKER:—"What about the second amendment?"

* MR. J. NUTTALL:—"I would not press that amendment if the Hon. Minister would be good enough to accept the one on which I have just spoken."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

Clause 35 (b).

* MR. J. NUTTALL:—"Sir, I beg to move a minor amendment which, I think, will clear a doubt which seems to exist with regard to the wording of clause (b) of section 35. I move, Sir—

'In line 1, omit the words "any chemical refuse or waste steam, or" and insert the word "other" between the words "refuse or steam or" and the words "liquid which" in line 4.'

"My idea here is that without the inclusion of the word 'other' it would be impossible to allow entry into any drain of any refuse or waste steam. I know that in many cases it is of considerable assistance in order to clear drains to allow certain refuse or waste steam to run into them. It has an extremely good effect and I know that the municipality in Madras is very glad to have this waste matter put into their drain at a very high point which clears the drainage system throughout the City. I should be very pleased indeed if the Hon. Minister would accept this amendment."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment with this addition: 'and make the consequential changes in the schedules'."

The amendment of Mr. J. Nuttall as amended by the Hon. Minister was put and carried.

Clause 36.

MR. J. NUTTALL:—"I beg to move, Sir, the following amendment:—

'In the opening line, after the words "No person shall" insert the words "save as may be generally or specially prescribed—".'

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"This amendment is similar to the one which the Hon. Minister has already accepted in the case of section 35 and it is not necessary for me to repeat the reasons for the insertion of these words. I would be glad if the Hon. Minister will accept this amendment also."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment."

The amendment was put and carried.

Sub-clause (2).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move, Sir, the following amendment:—

'In line 3, after the word "water-course," insert the words "water-trough".'

"This is only a verbal amendment. This is necessitated by the fact that some of the water-troughs in the City of Madras are very badly kept on account of the introduction of dirty matter into them."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I really cannot understand the necessity for the word 'water-trough.' It seems to be absolutely superfluous."

The amendment was by leave withdrawn.

New sub-clause (3).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Mr. Speaker, I beg to move the following amendment:—

'Insert the following as new sub-clause (3):—

*"or
(3) commit nuisance in or in the neighbourhood of any such water-course or water-trough".'*

"It is a matter of common experience, Sir, that people commit nuisance in and around water-troughs. I have found it very often. Now that we have a Public Health Bill, I thought it better to bring such acts under the category of nuisances, so that effective steps may be taken to put an end to them."

The amendment was duly seconded.

MR. SPEAKER:—"The amendment to insert the words 'water-trough' was not accepted by the Government. Here again the hon. Member has used the same words."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"The words 'water-trough' are used by the Government in another connexion."

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* THE HON. DR. T. S. S. RAJAN :—" Sir, I accept the amendment if it is altered as follows:—

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

" That is intelligible, Sir, but I cannot understand ' water-trough '."

MR. SPEAKER :—" So, the last portion goes. The question is that the following be inserted as new sub-clause (3):—

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

The amendment was put and carried.

Chapter IV with the clauses as amended was put and carried.

CHAPTER V.

Clause 38.

* THE HON. DR. T. S. S. RAJAN :—" I beg to move the following amendment:—

' In line 5, for the words " sanitary convenience " substitute the words " sanitary conveniences ".'

" This is only a verbal amendment. We have put the words ' sanitary conveniences ' instead of the words ' sanitary convenience '."

The amendment was put and carried.

Clause 39.

Sub-clause (1).

* THE HON. DR. T. S. S. RAJAN :—" I beg to move the following amendment:—

' (a) In line 3, for the words " sanitary convenience " substitute the words " sanitary convenience or conveniences."

' (b) In lines 4 to 6, for the words " is insufficient " " is inefficient " and " is objectionable " substitute the words " are insufficient " " are inefficient " and " are objectionable " respectively.

' (c) In sub-clause (a) for the words " sanitary convenience " in both the places, substitute the words " sanitary conveniences ".'

The amendment was put and carried.

CHAPTER VI.

Clause 41.

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

' In line 3, for the expression " clause (23) ", substitute the expression " clause (25) ".'

[18th January 1939] [Dr. T. S. S. Rajan]

" This is only a verbal amendment."

The amendment was put and carried.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI :—" I beg to move the following amendment:—

' In line 1 of item (2), after the word " water-course," insert the word " water-trough,".'

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN :—" I accept the amendment."

The amendment was put and carried.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI :—" I beg to move the following amendment:—

' In line 1 of item (8), after the word " dust," insert the word " cinders ".'

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN :—" I accept the amendment."

The amendment was put and carried.

Clause 42.

Sub-clause (a).

* H. S. HUSSAIN SAHIB BAHADUR :—" I beg to move the following amendment:—

' In line 2, between the words " time " and " with " insert the words " and at least once in a year ".'

" Sir, the provision in section 42 is mandatory and . . ."

* THE HON. DR. T. S. S. RAJAN :—" Mr. Speaker, chapter V is over but it has not been put to the House."

MR. SPEAKER :—" I shall put chapters V and VI together."

* H. S. HUSSAIN SAHIB BAHADUR :—" Sir, I have moved this amendment, because clause 42 is mandatory. It says that ' every urban local authority shall cause its local area to be inspected from time to time . . . ' The expression ' from time to time ' is rather vague and indefinite, while the section is mandatory. My idea in proposing the amendment is to make it obligatory on urban local authorities to inspect their local areas at least once in a year. Therefore I want to insert the words ' and at least once in a year ' between the words ' time ' and ' with '."

The amendment was duly seconded.

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* THE HON. DR. T. S. S. RAJAN:—"I am sorry, Sir, I cannot accept the amendment, because it puts an unnecessary time-limit. When we say 'from time to time' it means anything. It may be even three or four times a year. It need not necessarily be once a year. Therefore the clause is best left as it is."

The amendment was by leave withdrawn.

Clause 43.

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Sir, with your permission, I should like to move my amendment in a slightly altered form as follows:—"

'In lines 2 and 3, after the words "the Health Officer" add the words "or any officer of the Health establishment of the local authority".'

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment in this form: 'or any other officer of the public health establishment of the local authority'."

The amendment as accepted by the Hon. Minister was put and carried.

Clause 45.

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I beg to move the following amendment:—"

'Substitute the word "shall" for the word "may" wherever it occurs.'

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"It is a dangerous amendment, Sir. I cannot accept it. It will land the local bodies in very great difficulty."

The amendment was by leave withdrawn.

Clause 47.

Sub-clause (1).

* THE HON. DR. T. S. S. RAJAN:—"I beg to move the following amendment:—"

'In lines 3 and 4, for the words "this Act" substitute the words "this chapter".'

"This is merely a verbal amendment."

The amendment was put and carried.

* H. S. HUSSAIN SAHIB BAHADUR:—"Sir, amendments 170 and 171 go together. I move—"

'In line 5 after the word "if" and before the word "such," insert the words "after the publication of notice to that effect".'

[18th January 1939] [H. S. Hussain Sahib Bahadur]

'In lines 7 and 8, for the words beginning with "on" and ending with "authority," substitute the words "of publication of such notice."'

"I submit, Sir, that when any materials have been removed by a local authority and are going to be sold by the local authority, sufficient opportunity should be given to the owner of those materials to take them away within a specified time. Unless this is done by the publication of a notice, it will not be possible for the owner to take away his materials, who may not be living in the locality or who for some other reason may not become aware of such a thing. It will be difficult for him if he comes up afterwards and claims his materials, and if in the meanwhile those materials have been disposed of by the local authority. Therefore, Sir, I move this amendment and hope that it will be accepted by the Hon. the Mover of the Bill, so that a reasonable opportunity may be given to the owner of the materials to take them away within a specified time."

The amendments were duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I shall answer both the amendments Nos. 170 and 171. These amendments impose a fresh obligation on the local authority to publish a notice to the effect that the articles have been removed. This clause is only a corollary to clause 45 and it cannot be invoked unless notice has been served on the owner under clause 44. There are adequate safeguards in the Bill. This clause will apply to cases of persistent default of the persons responsible, where the local authority is compelled to abate nuisance under clause 44. These amendments are unnecessary."

6-30
p.m.

The amendments were put and lost.

Sub-clause (3).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I beg to move the following amendment:—"

'Delete sub-clause (3).'

"My object in moving this amendment is to make the position clear. This clause provides for the disposal of articles removed while abating nuisance. It is stated here in this sub-clause, that 'The provisions of this section shall not apply to any offensive matter removed by a local authority which belongs to it under the Act governing such authority.' I do not know to what the word 'it' refers. This clause is borrowed from the English Public Health Act; the English Public Health Act puts it very clearly and the effect has been more or less spoiled on its

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adaptation in the present Bill. This is what section 276 (3) of the English Public Health Act says: 'This section does not apply to refuse removed by a local authority.' That is simple and one can readily understand it. The sub-clause, as it is in the Bill, is not at all clear; what is meant by the sub-clause is not clear to me. I would therefore suggest that the wording in the English Public Health Act might be followed. That wording is quite simple and conveys the meaning clearly."

The amendment was duly seconded.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I suggest and move that the words '*which belongs to it*' be omitted."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Yes, I support the suggestion and withdraw my amendment."

The amendment was by leave withdrawn.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment before the House."

MR. SPEAKER:—"The question is:

'In line (3), delete the words "*which belongs to it*" between the word "*authority*" in line 2 and the word "*under*" in line 3.'"

The amendment was put and carried.

Clause 48.

* THE HON. DR. T. S. S. RAJAN:—"Sir, I beg to move the following amendment:—

'(a) In the opening paragraph, in line 4, for the words "*Sanitary Inspector*" substitute the words "*Health or Sanitary Inspector*."

'(b) Insert the following at the end of proviso (a) before the semi-colon:—

"except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise."

'(c) In proviso (b), for the words "*dwelling place*" substitute "*dwelling house*".'

"Explanation is required only with regard to (b). Usually, the Inspector would go and inspect any premises during the hours between sunrise and sunset. That is why the proviso is made explicit, viz., 'except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise'."

The amendment was put and carried.

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Proviso (c).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I move the following amendment:—

'In line 3 of paragraph (c), for the word "*females*" insert the word "*women*."'

The amendment was duly seconded.

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

The amendment was put and carried.

* H. S. HUSSAIN SAHIB BAHADUR:—"Sir, I beg to move the following amendment:—

'In line 3 of paragraph (c), after the word "*women*" and before the word "*to*," insert the words "*after giving them reasonable time and facility*."'

"In my opinion I think that females should be given reasonable time and facilities to withdraw. The provision as it is says that sufficient notice shall, in every case, be given to enable the inmates of any apartment appropriated to females, to withdraw to some part of the premises where their privacy may be preserved. It may be stated that there is already provision for giving notice. In my opinion, it is not enough. When the Sanitary Inspector comes to the locality and finds that there are women in an apartment, he must then and there give them reasonable time and facilities to withdraw from the apartment. For these reasons I move the amendment and I want that the words 'after giving them reasonable time and facility' should be inserted."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"Sir, the amendment is redundant. The provision as it stands says that sufficient notice shall in every case be given to enable the inmates of any apartment apportioned to women, to withdraw to some part of the premises where their privacy may be preserved. It cannot be more explicit than that. It is also stated in the clause that due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises. There is the same provision in the Act as it stands at present. We have not taken any more powers than what is provided for now. Therefore I cannot accept the amendment."

The amendment was by leave withdrawn.

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Clause 51.

Sub-clause (1).

SRI H. B. ARI GOWDER:—"I beg to move—

'In lines 8 and 9, omit the words within the brackets.'

"In villages there are many places which cannot be stated to be either public or private, and the Health staff will find it difficult to enforce the provision in the Bill, in the villages."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"A man should not keep rubbish in his ground. There must be some place even for the poor man to put his rubbish. The villager may have his manure pits and we cannot insist on licence for such things."

The amendment was by leave withdrawn.

Sub-clause (3).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move—

'Omit the sub-clause.'

"The sub-clause says that any person easing himself in any private open space shall immediately cover up the excreta with earth. I cannot understand what the Health Officer has to do, when a person eases himself in his *private* open space . . ."

MR. SPEAKER:—"That is a modern-recognized principle, that is a Gandhian principle."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"It should be left to the discretion of the person concerned. I would lay emphasis on the word '*private*.'"

MR. SPEAKER:—"It is a duty to be discharged in the interests of the public."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"We cannot allow it; it will be a public danger afterwards; in the interest of common decency, excreta should be covered up with earth. Cats and dogs do it; why should not man do so?"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am sorry, Sir, that my Hon. Friend, the Minister for Public Health, should have thought it fit to bring this matter in a Public Health Bill."

THE HON. SRI C. RAJAGOPALACHARIAR:—"This is probably, in my opinion, the most important clause in the whole Bill. I think I am not disclosing any secret of the proceedings of

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the Select Committee when I say that a gentleman belonging to one of the admittedly very civilized modern societies, pointed out that this was very necessary and very useful."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"It is unnecessary."

MR. SPEAKER:—"The hon. Member, Mr. Appadurai Pillai, has, I think, realized now the gravity of the matter."

The amendment was by leave of the House withdrawn.

Chapter V with clauses as amended was put and carried.

Chapter VI with clauses as amended was put and carried.

CHAPTER VII.

Clause 53.

Sub-clause (1).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I beg to move—

'In line 7, after the word "treatment," insert the words "and prevention" and omit lines 8 to 10, inserting a full-stop after the word "disease" at the end of line 7.'

"This is a verbal amendment. The clause is rather cumbrous. It is stated here that the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of such mortality, and preventing it, as the case may be. The meaning is not clear. I aim at making the clause simpler, by the insertion of the words, for treatment and prevention of such infectious diseases. With this alteration the clause will convey the same meaning. Prevention would prevent the disease from spreading; for prevention, investigation will also be necessary; it follows as a matter of course. If we simply say, treatment and prevention, the other results would naturally follow. Instead of making the clause cumbrous, it would be simpler if we say 'for the treatment and prevention of any disease.'"

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"No, Sir. The hon. Member has overlooked the words 'in the event of the prevalence of any infectious disease in any local area or of any unusual mortality' at the beginning of the clause. That is why all the words in lines 8 to 10 have been put in. These words are intended to make the meaning more clear, and any amendment like the one proposed will only make it ambiguous. I am sorry I cannot accept the amendment."

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* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I do not press the amendment."

The amendment was by leave withdrawn.

MR. SPEAKER:—"I shall now put clauses 52 and 53 to the vote of the House."

Clauses 52 and 53 were put and carried.

Clause 54.

MR. SPEAKER:—"The question is that clause 54 do stand part of the Bill."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, if this clause 54 is accepted by the House, I think it will involve the local bodies in an expenditure which they may not be able to meet. This is the crux of the whole situation. From the beginning to the end, we have seen that provisions have been included in the Bill where penalties have been attached to nuisance of various kinds and offences have been created in regard to infectious diseases and things like that. Without the Government coming to the aid of the local bodies or constituting a Public Health Fund from which they can give relief to the local bodies, they want the local bodies to provide for all the requirements under the provisions of this Bill. I want to know whether the Government will go to the help of the local bodies at least by means of sufficient grants in order to enable them to build hospitals and wards wherever they are not now in existence. We know that in very many urban areas, hospitals are not to be found, and even if there are such hospitals available, there is no isolation hospital, or there is not enough accommodation for an isolation ward. Moreover, it is stated in this clause that certain wards should be set apart in the hospital itself as isolation wards. That is by itself a dangerous thing. My Hon. Friend, the Minister for Public Health, is himself a medical man and he knows that it is not always very dangerous to have a separate ward allotted in an ordinary hospital for isolating certain diseases; but there are certain diseases which ought to be kept away from persons who are suffering from ordinary diseases, and people suffering from such infectious diseases should be kept at a good distance. The purpose of isolating such patients will not be served by opening a ward in an ordinary hospital. If the Government really want this Bill to be effective, they must start a Public Health Fund from which they can make grants to the local bodies for the purpose of maintaining really good hospitals or for constructing wards for isolation purposes. I thought, Sir, I should bring this point to the notice of the House. If this Bill, when once it is passed into law, is not to be a mere ornament on the statute-book, if the Government really want to see that the provisions of the Act are enforced and worked

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properly to the advantage of the health of the people in the Province, I do think that they must arrange to supply the necessary funds to the local bodies for the maintenance of these hospitals and wards."

* THE HON. DR. T. S. S. RAJAN:—"Sir, I rise to answer one or two objections raised by the hon. Member in connexion with clause 54. First of all, there is a choice between two things: the patient being in his own house, so that he may be free to spread the disease indiscriminately, and the patient being brought to an institution where he can be kept under the observation of the medical authorities. Which is better? In such cases, the provision of a separate ward under proper medical supervision is certainly more protective to the general population in regard to infection than the arrangement in which for lack of provision of the necessary accommodation, we allow the patients to lie in their own houses and spread the disease, or, what is worse, to shift them to some unknown corner where medical help may not easily reach. It so happens that some of these isolation hospitals are unfortunately built very near the burning or burial grounds, and sometimes the local authorities are not very happy in constructing these isolation sheds very near to or even within the compound of a hospital. The fear of infection is so predominant in their minds that they conveniently put these isolation wards in some unknown corner of the place where medical help is most difficult to reach, or if it is to be made available, an expensive medical staff will be necessary. So, it has been provided here that under proper medical supervision, separate wards should be set apart for the purpose.

"Secondly, from what fell from my hon. Friend, it looks as if the Government never go to the help of these local bodies. In fact, the Government have gone out of their way in this Province to help and maintain hospitals which ought to run with the help of private charity and taken upon themselves in some cases the duty of running them, much to the injury of public funds. They have also taken over municipal hospitals and taluk headquarters hospitals, and what is more, they have begun to take over now rural dispensaries also. It is not therefore as if the Government are not doing their duty to these hospitals by giving them the necessary help. On both these grounds, I cannot accept the charge that has been made.

"As regards funds, there is no necessity to have anything like a Public Health Fund. As long as the local bodies spend money on these purposes, I do not think the nomenclature of a 'Public Health Fund' has anything sacred or sacrosanct in it. As long as the Government are able to find the necessary funds for putting the provisions of this Act into operation, there is no necessity for

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a separate fund. I can assure my hon. Friend that the Government have got the strength and the necessary resources to work this Act. I do not think therefore that we need waste our time in discussing whether funds will be available or in scanning every line that deals with the methods of protection against disease. I therefore protest against the accusation made by the hon. Member."

Clause 54 was put and carried.

Clause 55 was put and carried.

Clause 56.

* SRI H. B. ARI GOWDER:—"I move—

'In line 3, after the word "tuberculosis" insert the words "and the headman or village munsif of every village who becomes cognizant of any case of disease, ailment or sickness."'

"Sir, I suggest this amendment only with a view to draw attention to the fact that there may be cases in a village which a medical practitioner may know nothing about and which may be known only to the people of the village. Again, many villages may not have a medical practitioner to report these things to the proper authorities. If, therefore, the headman of the village or the village munsif is made responsible for reporting such cases, it will be easy for the concerned authorities to take action in good time and to prevent the spread of the disease. It is only with this view that I suggest this amendment."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"We had a very thorough discussion in the Select Committee over this question. If I accept the hon. Member's amendment, it will come to this: that every village headman or village munsif should know and learn the art of diagnosis of a disease, whether it is enteric fever or tuberculosis or what. That is really impossible. He cannot give proper information and there will be harassment of the public. Therefore, I am sorry I cannot accept the amendment."

The amendment was by leave withdrawn.

* SRI H. B. ARI GOWDER:—"I move—

'In line 4, after the word "hospital" insert the words "within his jurisdiction."'

"The amendment is self-explanatory and I do not think I need say anything."

The amendment was duly seconded.

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MR. SPEAKER:—"I think the meaning is the same. The amendment need not be pressed."

The amendment was by leave withdrawn.

Clause 56 was put and carried.

Clause 57.

Sub-clause (1).

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

'In line 4, for the word "endanger" substitute the word "engender."'

The amendment was put and carried.

Clause 57 as amended was put and carried.

Clause 58.

Sub-clause (2).

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

'At the end of paragraph (i), insert the word "and".'

The amendment is a verbal one.

The amendment was put and carried.

Sub-clause (3).

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Sir, I move—

'Omit the words "or of the Health Officer" at the end.'

"I do not see any reason, Sir, why the Health Officer is put in here. If any expression of opinion is wanted before a person is removed from the hospital, the opinion of the medical officer in charge should be quite enough. There is no necessity for the opinion of the Health Officer being got. The medical officer should be the sole authority to give such permission. I therefore move this amendment."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"Sir, hospitals are not poor-houses. Once a person is admitted into a hospital on the ground that he is suffering from an infectious disease, naturally it is for the Health Officer who admitted him there to pronounce that he is fit to leave the hospital. I am sorry I cannot accept the amendment."

The amendment was by leave withdrawn.

Clause 58 as amended was put and carried.

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Clause 59.

Sub-clause (1).

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—" I move—

' In line 4, for the words " presence or conduct," substitute the words " closely mixing up with them." '

" The object of my moving the amendment is this: as it is, the clause will work great hardship in the case of the poor people who will be absolutely prevented from coming out of their houses or moving about. I think this point should be sympathetically considered."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—" I cannot accept the amendment. If the amendment is accepted, it will make the clause meaningless. As it stands, the clause reads: ' No person who knows . . . shall expose other persons to the risk of infection by his presence or conduct in . . . ' It will not affect people who may go out without exposing themselves to infection such as going in a closed car or conveyance without coming into actual contact with any one, or even those who may take far-reaching precautions against infection; but this is very necessary in the case of the poor people who may move about in markets or theatres without taking sufficient precautions against infection. The acceptance of the amendment of my hon. Friend will frustrate the very object for which this provision has been put in in the Bill. I cannot accept the amendment."

The amendment was by leave withdrawn.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—" I move—

' In line 1 of paragraph (a) after the word " any," insert the words " railway station or similar place of public resort." '

" The amendment is only an explanation of the present item (a) as it is in the Bill."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—" I cannot accept this amendment, Sir."

The amendment was by leave withdrawn.

Explanation.

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

' In line 6 for the words " Sanitary Inspector " substitute the words " Health or Sanitary Inspector " . '

The amendment was put and carried.

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K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—" I move—

' After the word " Inspector " in the penultimate line insert the words " or a medical practitioner." '

The amendment was duly seconded.

THE HON. DR. T. S. S. RAJAN:—" I accept the amendment subject to the addition of the words ' registered under the Madras Medical Registration Act, 1914.' "

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—" I have no objection to the qualification of the term ' registered medical practitioner.' "

MR. SPEAKER:—" The question is—

' After the word " Inspector " in the penultimate line, insert the words " or a medical practitioner registered under the Madras Medical Registration Act, 1914." '

The amendment was put and carried.

Clause 59, as amended, was put and carried.

The House then adjourned to meet again at 3 p.m. the next day.

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APPENDIX I.

[Vide answer to starred question No. 610 asked by Sri M. Durai kannu at the meeting of the Legislative Assembly held on the 18th January 1939, page 153 supra.]

Statement showing the number of candidates selected by the Madras Public Service Commission in each service since the present Ministry assumed office and the number of Scheduled Classes candidates among them.

Name of service.	Number of candidates selected.	Number of Scheduled Classes candidates selected.
Madras Civil Service (Executive Branch) ..	2	2
Madras Police Service	8	2
	(for 4 vacancies).	
Madras Medical Service (General Branch) ..	1	1
Madras Registration Service	1	1
Madras Co-operative Subordinate Service ..	115	11
Madras Ministerial Service—Probationary Revenue Inspector.	12	1
Madras Ministerial Service—Clerk and Typist.	775	19
Madras Registration Subordinate Service ..	48	4
Madras Secretariat Service	63	2
Salt and Customs Department under the Government of India :—	26	1

In the following cases no candidate of the Scheduled Classes was available for selection.

Name of service.	Number of candidates selected.
Madras Boiler Service	1
Madras Educational Service	3
Madras Electrical Service	1
Madras Public Health Service	4
Madras Sanitary Engineering Service ..	2
Madras Agricultural Subordinate Service ..	6
Madras Educational Subordinate Service ..	32
Madras Fisheries Subordinate Service ..	3
Madras Industries Subordinate Service ..	1
Madras Judicial Subordinate Service ..	9
Madras Ministerial Service—Women clerk and Women typist.	12
Madras Public Health Subordinate Service ..	3
Madras Veterinary Subordinate Service ..	39

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APPENDIX II.

[Vide answer to starred question No. 625 asked by Mr. D. R. Isaac at the meeting of the Legislative Assembly held on the 18th January 1939, page 162 supra.]

List of Municipal Commissioners who do not retain a lien on any substantive appointment (as on 15th December 1938).

Name of Commissioner.	Qualifications.	Pay. RS.
1 F. W. Haughton, M.B.E.	Senior Cambridge Examination.	480
2 A. V. Krishnarao Nayudu	Matriculation	235
3 N. R. Sambandam Pillai	B.A.	250
4 K. P. Kandaswami Pillai	Intermediate Examination in Arts.	300
5 Ameerali Tabrizi	B.A., B.L.	100
6 C. N. Gopalratnam	B.A., B.L.	125
7 P. S. Vasudevan	B.A.	125
8 V. Brahmayya Sastri	B.A.	100
9 S. Ramadoss Nayudu	First Examination in Arts	175
10 M. Govinda Menon	B.A., B.L.	120
11 B. Lakshmana Pillai	B.A., B.L.	135
12 C. Narasimham	M.A., B.L.	205
13 P. Pitchi Reddi	M.A., B.L.	120
14 M. P. Alexander	M.A., B.L.	125

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APPENDIX III.

[Vide answer to starred question No. 609 asked by H. S. Hussain Sahib Bahadur at the meeting of the Legislative Assembly held on the 18th January 1939, page 170 supra.]

Statement of complaints or memorials in respect of the application of G.O. No. 783, Public (Services), dated 20th September 1933.

By whom submitted.	Nature of request made.	Details of orders passed.
1. Certain personal clerks to Hon'ble Ministers and stenographers.	Exemption from passing the periodical test in shorthand prescribed in G.O. No. 783, Public (Services), dated 20th September 1933, or abolition of the test altogether.	G.O. No. 783, Public (Services), dated 20th September 1933, was amended abolishing the test and substituting an annual certificate of efficiency.
2. A clerk in the Local Administration Department.	Permission to draw increments in the scale of pay of the upper division in addition to the special pay of Rs. 50, drawn by him for shorthand and typewriting.	Matter is under consideration.
3. Certain clerks of the Judicial Department in the South Kanara district.	Permission to draw shorthand allowance as personal pay irrespective of whether they performed shorthand work or not and whether the number of special pays was within the limit fixed for the office or not.	Request negatived.
4. A clerk of the District Court, West Tanjore.	Permission to have his pay on promotion as Central Nazir fixed in a manner not allowed in G.O. No. 783, Public (Services), dated 20th September 1933.	Do.
5. A clerk of the District Police Office, Ganjam.	Restoration of special pay for shorthand withheld in 1932.	Request complied with.
6. A clerk of the King Institute at Guindy.	Permission to draw shorthand allowance not admissible under G.O. No. 783, Public (Services), dated 20th September 1933.	Request negatived.
7. An upper division clerk of the Registration Department.	Permission to continue to draw shorthand allowance to which he became ineligible under G.O. No. 783, Public (Services), dated 20th September 1933.	Do.
8. Five clerks of the Revenue Department.	Permission to draw typewriting allowance not admissible under G.O. No. 783, Public (Services), dated 20th September 1933.	Do.
9. Three clerks of the Revenue Department.	Permission to draw shorthand allowance not admissible under G.O. No. 783, Public (Services), dated 20th September 1933.	Do.

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, the 19th January 1939.

The House met at three of the clock in the Assembly Building, Chepauk, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Alleged assault by the Dindigul Town Police on a scavenger woman, named Alagammal.

* 628 Q.—SRI K. KUPPUSWAMI AYYAR: Will the Hon. the Prime Minister be pleased to state—

(1) whether it is a fact—

(a) that one Alagammal alias Mottai, a scavenger employed in the Dindigul Municipality, was taken to the Dindigul Town Police Station on 29th September 1938 on suspicion that she was concerned in the theft of a jewel and detained in the station till the next day;

(b) that while there, she was severely beaten which resulted in several injuries to her person;

(c) that on 30th September 1938, a complaint was preferred to the Stationary Second-class Magistrate, Dindigul, by the husband of the said Alagammal, alleging that she was severely beaten in the Police station and was lying in a serious condition in the station;

(2) what action has been taken in the matter up to now;

(3) how the complaint of assault has been disposed of; and

(4) whether the complaint about the theft of the jewel of which she was suspected has been disposed of and how?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(1) (a) & (b) As there were some grounds for reasonable suspicion Alagammal alias Mottai was brought to the Dindigul Town Police Station on 29th September 1938 by the parties concerned on a charge of theft. It is reported that she was not detained in the station as stated. The Subdivisional Magistrate has made a full enquiry into the matter and his finding is that there is no satisfactory evidence to charge the Police with torture.

“(c) The answer is in the affirmative.”

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“(2) & (3) The allegation was enquired into immediately by the Subdivisional Magistrate, Dindigul. He found that the evidence that she had been beaten at the Police station was untrustworthy.

“(4) The case has not yet concluded.”

SRI K. V. NARAYANA RAO:—“ May I know from the Hon. the Premier whether there was any reason to believe that the said lady was tortured either in the Police station or anywhere else?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ The Subdivisional Magistrate made a very full enquiry into the matter and his finding on the evidence which he heard is that there is no satisfactory evidence to charge the Police with torture.”

MR. SPEAKER:—“ The question was whether the lady was tortured anywhere else. That is of course important.”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ That is difficult for me to answer, Sir.”

SRI P. R. K. SARMA:—“ May I know, Sir, whether the Government are convinced that the lady scavenger was not badly treated by the Police?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ I have stated what exactly was done. The person who lost the property made the complaint and gave some grounds for reasonable suspicion and she was taken to the station. That is all that was done. How can the Government be convinced unless the Government proceed to conjecture?”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ May I know, Sir, whether that lady was taken to the Police station by the parties concerned or was she taken by the Police themselves?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ If it is a question of inference, I think the parties took her to the Police station.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ May I know from the Hon. the Premier whether that fact is not enough to show that she was taken to the Police station by compulsion and that the Police could not take notice of the fact that she was taken by force by the parties concerned?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ I have commonsense enough to believe that if a scavenger woman is suspected of theft by the owners of a house in which she was serving and if the owners of that house want her to go to the Police station, she would be sensible enough to go and not avoid going and thus bring greater suspicion on herself.”

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ABDUL HAMEED KHAN SAHIB BAHADUR:—“ May I know, Sir, when she was taken to the Police station whether the Police recorded any case against her; and if they did so, did they send her off immediately after recording the case or kept her in the custody room and tried to know from her whether she actually stole the property or not?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ I assume that the hon. Mr. Hameed Khan has not studied the facts of the case before putting the question. It rather looks as if he is simply making guesses as to nature of the case. I have already informed the House about the question of torture and in regard to theft, the question is still pending and I cannot proceed further to make a statement about it.”

SRI V. KURMAYYA:—“ May I know, Sir, whether the Hon. the Premier is aware of the fact that in the mufassal several of the scavengers and other menial staff who are working under the local boards are falsely accused and ill-treated by the Police?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ I am quite prepared to accept that. As a general proposition these unfortunate people who serve as scavengers do open themselves to such charges and often such charges are placed on mere suspicion and without sufficient grounds.”

SRI V. KURMAYYA:—“ Will the Hon. the Premier be pleased to issue instructions to the Police to take necessary precautions before arresting such persons?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ It is very difficult to issue instructions of that kind, but there are general instructions that nobody should be arrested unless there are very good grounds.”

SRI V. KURMAYYA:—“ Are the Government aware that generally poor people are harassed by the Police in the mufassal?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ I am aware that generally poor people are harassed by everybody else.”

SRI V. KURMAYYA:—“ Will the Premier see to it that the Police do not harass them and also that people are not allowed to do so?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ The Police are there to see that persons are not harassed by others.”

SRI K. KUPPUSWAMI AYYAR:—“ May I know, Sir, whether it is a fact that this woman was taken to the headquarters hospital and was an in-patient there for a number of days and

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that while in that hospital she was examined by the medical officer and eleven injuries were found on her person; and whether the next day at a Police parade held in the hospital, she identified the policeman who assaulted her?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I have already stated that the matter was fully enquired into by a first-class Subdivisional Magistrate, who, I believe examined the woman and I cannot go behind the report he has sent."

SRI K. KUPPUSWAMI AYYAR:—"May I request the Hon. the Premier to go through the papers himself because I know evidence has been given directly implicating the Police?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Evidence is certainly given, but then a magistrate has to judge it and a magistrate has heard the evidence, and what is the good of interfering with the independent judgment of a judicial officer?"

SRI K. KUPPUSWAMI AYYAR:—"May I know whether the inquiry was judicial or departmental; and whether opportunity was given to the parties concerned to appear and give a statement in evidence?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I say that on the question being received, the matter was referred to the magistrate and a magistrate was chosen to look into the matter because he would have a judicial mind and he was not interested in the particular person or persons and his report I have received. It is not a judicial trial so far as the torture case is concerned. But, the theft case is before the court and it is a judicial trial and a Subdivisional Magistrate has been asked to enquire into the matter. He has sent all the evidence and his finding is, as I believe I already stated, that there is no satisfactory evidence to charge the Police with torture. Hon. Members can understand the amount of suspicion that is involved in that finding and the amount of defect that is involved in the evidence also in that finding. I cannot take it beyond that, because after all, facts have to be proved and we cannot simply infer what the general nature and temperament of people is."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Will the Hon. the Premier be pleased to state whether he has seen the report from the hospital where the lady was attended to for her wounds as pointed out by my hon. Friend and if that is fact, whether the Hon. the Premier will not get the necessary evidence from the hospital itself?"

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THE HON. SRI C. RAJAGOPALACHARIAR:—"I have gone through all the facts and I have not given away any off-hand answer. I have gone through the whole file and I am satisfied that there is some suspicion but I am not satisfied that we can charge anybody with anything."

SRI V. M. RAMASWAMI MUDALIYAR:—"If the Government are satisfied that there is room to suspect some foul treatment, may I know whether the Government cannot act upon that instead of waiting for overwhelmingly convincing evidence?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I have not waited for any overwhelmingly convincing evidence and I am satisfied that it will be very unfair, grossly unfair, to give a finding on matters before they are heard in this matter. And if it were possible, I would not have hesitated to come to a finding; and if I had given a finding, many hon. Members would have equally found fault with me for coming to that finding."

SRI S. NAGAPPA:—"May I know the nature of the evidence that was examined by the Subdivisional Magistrate to say it was unsatisfactory and whether he examined those who complained against torture or anybody else?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The Magistrate examined witnesses."

SRI S. NAGAPPA:—"Since it was stated that the evidence was unsatisfactory, I would like to know who were the witnesses that were examined?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"If the hon. Member wants the names of the witnesses, I do not think I can go into that now."

MR. SPEAKER:—"What the hon. Member wants is whether the witnesses examined were besides those that were interested in the case. That is the point."

THE HON. SRI C. RAJAGOPALACHARIAR:—"The magistrate gave an opportunity for all possible evidence to be given; and the nature of the case charged being torture of a person in the Police station, necessarily direct evidence was limited. He went into the circumstances, dates of the transaction and all the grounds and has come to his finding."

SRI S. NAGAPPA:—"Who are the actual persons that he examined?"

MR. SPEAKER:—"That question cannot be permitted."

SRI P. BUCHAPPA NAYUDU:—"May I know what is the nature of the enquiry? Is it an enquiry after taking the case on file; or enquiry through the Police officers, or is it otherwise?"

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THE HON. SRI C. RAJAGOPALACHARIAR:—" Clause (c) of the original question reads thus: " Whether it is a fact that on 30th September 1938, a complaint was preferred to the Stationary Second-class Magistrate, Dindigul, by the husband of the said Alagammal, alleging that she was severely beaten in the Police station and was lying in a serious condition in the station "; and the answer which I gave was: ' The answer is in the affirmative.' Then in regard to ' what action was taken,' I have already replied, ' The allegation was enquired into immediately by the Subdivisional Magistrate and he found that the evidence that she had been beaten at the Police station was untrustworthy.'

" Again in regard to the question how the matter of theft was disposed of, the answer is that the case has not yet been concluded. In regard to the enquiry referred to, I have already stated all that could be stated after looking into the papers. That is what has happened and I cannot place the whole case before the House; nor will it be of any use."

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SRI G. RANGIAH NAYUDU:—" Is the Hon. the Premier aware that when cases are taken to the magistrate against the Police by the public, he is generally partial to the Police? "

MR. SPEAKER:—" That is not permissible. It is not a supplementary question."

SRI P. BUCHAPPA NAYUDU:—" My question is this, Sir: What is the procedure that was followed by the Subdivisional Magistrate in this particular case of torture in conducting the said enquiry? He must have followed one of the procedures laid down under the Code of Criminal Procedure. Did he enquire himself taking the case on the file or did he send it to the Police for enquiry or did he otherwise enquire into the matter? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" There is a certain special procedure prescribed if a complaint is made against the Police in order to avoid a biased judgment given by the persons who are in touch with the Police daily and under that procedure, a first-class magistrate had to investigate into the case and that is what has happened in this case also."

D. ABDUL RAWOOF SAHIB BAHADUR:—" Was this enquiry by the first-class magistrate conducted before the interpellation or after the interpellation? "

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

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ABDUL HAMEED KHAN SAHIB BAHADUR:—" May I, therefore, ask the Hon. Minister whether he would hold a fresh enquiry into the matter? "

SRI P. BUCHAPPA NAYUDU:—" May I know whether the enquiry was a statutory enquiry? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" I may be permitted to answer both the questions, Sir. It is not a statutory enquiry. It is an enquiry under the Police orders which are ordinary administrative orders. As regards my holding an enquiry, I shall consider it."

SRI KALLUR SUBBA RAO:—" May I know, Sir, if the Hon. the Premier is aware that no magistrate can go against the wishes of the Police? "

MR. SPEAKER:—" That is not permissible."

SRI KARUNAKARAM SUBBA RAO:—" May I ask whether this case will be referred to a Sessions Judge for purposes of conducting an enquiry? "

MR. SPEAKER:—" That supplementary question is not permissible."

SRI D. V. RAMASWAMI:—" May I request the Hon. the Premier to consider even now the advisability of taking steps for separating the Executive from the Judiciary? "

MR. SPEAKER:—" That supplementary question does not arise from the question now under reply."

SRI G. KRISHNAMURTI:—" May I suggest to the Government to issue instructions strongly deprecating and discountenancing third-degree police methods? "

MR. SPEAKER:—" That is not a supplementary question."

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—" Will the Hon. the Premier call for a report as to how that lady sustained those injuries? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" No report will elucidate it. The lady complained in a particular way and she had certain injuries. The question is the evaluation of the evidence as to where and how she got them."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Was not the injury caused to her while she was in the custody of the Police? "

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

AN HON. MEMBER:—" May I know, Sir, if there is not enough evidence even for a departmental punishment? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" Do hon. Members believe that the Government can punish public servants right and left without evidence? "

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Mrs. RUKMINI LAKSHMIPATHI:—" May I know whether any evidence was taken from the woman who was beaten? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" Yes."

Mrs. RUKMINI LAKSHMIPATHI:—" Would the Government consider the advisability of taking departmental action against the Police constables whom the woman identified at the parade? "

MR. SPEAKER:—" Does the hon. Member want the woman to be believed? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" Yes, Sir." (Laughter.)

" As a result of this case, I would request hon. Members to use their influence with house-owners whom the scavengers serve and see that they do not bring false charges against them. If they do so, it would be much more useful than merely going into the case now."

SRI K. KUPPUSWAMI AYYAR:—" May I know, Sir, whether there is any record to show that this woman was specifically charged with theft by anybody or whether the Police themselves took action against her? "

MR. SPEAKER:—" The matter is *sub judice*."

SRI K. KUPPUSWAMI AYYAR:—" No, Sir. It is a petty case and it is nearly three months since . . ."

MR. SPEAKER:—" Whether the case is petty or big, the case is yet *sub judice* and we cannot go into the matter now. The whole question is with regard to the torture and not with regard to the theft."

Alleged misconduct of the Tiruvannamalai Police during the investigation of a case of theft in the Swadeshi Exhibition at Tiruvannamalai.

* 629 Q.—SRI N. ANNAMALAI PILLAI: Will the Hon. the Prime Minister be pleased to state—

(a) whether the report called for by Government, referred to in their reply to my unstarred question No. 186, dated 19th March 1938, has been received; and

(b) if the answer is in the affirmative, what the outcome of it is?

THE HON. SRI C. RAJAGOPALACHARIAR:—" (a) The answer is in the affirmative.

" (b) Govinda Reddi of Mel Puluthiyur, Chengam taluk, complained to the Police on 24th November 1937 that by forgetfulness he left his purse containing currency notes and cash

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amounting to Rs. 184-12-0 at Gopal Rao's Khaddar Stores and he could not recover it when he went back for it. No one was accused and no person other than Gopala Rao was mentioned in the complaint. The Police received information during the investigation that a young boy who was employed as a servant in the Khaddar Stores and who lived with Gopal Rao, had been seen to pick up a purse and to hand it over to Gopal Rao shortly after Govinda Reddi had left the Khaddar Stores. The boy admitted this to the Police. Accordingly the Police searched the Khaddar Stores and the place where Gopal Rao and his servant were staying. There was no occasion to search the residence of any one else. The boy had no time to go to his own village in the interval.

" The Police took Gopal Rao to the Police station, but it is not true that he was asked to remove his sacred thread, nor was he put to any indignity.

" Such action as was taken by the Police officers concerned was quite proper and necessary if such offences should ever be enquired into and detected. A translation of the complaint lodged in the case is laid on the table."

SRI N. ANNAMALAI PILLAI:—" கோபால் ராவ் கடையைச் ஸர்ச் (search) பண்ணினபோது அவருடனிருந்த இன்னொரு பையன் வீட்டைச் சோதனை போடாது விட்டது வாஸ்தவந்தானா? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" அது நான் சொன்னேனே இப்பொழுதுதான்."

SRI N. ANNAMALAI PILLAI:—" நீங்கள் முன்னே சொன்னதை தமிழில் சொன்னால் நன்றாயிருக்கும்."

MR. SPEAKER:—" The Hon. Member has not evidently understood the answer."

THE HON. SRI C. RAJAGOPALACHARIAR:—" முன்னமே நான் சொன்னதிலே எல்லா விஷயமும் சொல்லி இருக்கிறேன். அந்தப்பையன் வீட்டிற்குப் போக டைம் (time) இல்லை. அந்தப் பையன் ஒத்துக்கொண்டான். அந்தப் பையன் அங்கே இருந்து வீட்டிற்குப் போக டைம் (time) இல்லாததினால் வேறு யார் வீட்டையும் சோதனை போடவில்லை."

SRI N. ANNAMALAI PILLAI:—" வேறு யாரிடத்திலாவது கொடுத்து அனுப்பியிருக்கலாம்."

THE HON. SRI C. RAJAGOPALACHARIAR:—" போலீஸ்காரருடைய விசாரணை எந்த விதத்தில் பண்ணினால் போன வஸ்து கிடைக்குமோ அந்த விதத்தில் விசாரணைபண்ணி வேலை செய்யாமல் போனால் நாம் எல்லோரும் அவரிடத்தில் குற்றங்கண்டு பிடிப்போம். ரூபாய் நூற்றெண்பத்துநாலும் சில்லரை களவு போனவுடனே போய் சோதனை பண்ணாமல் போனால் போலீஸாரிடத்தில் ' உன் வேலையைச் சரியாய் செய்யவில்லை ' என்று நாமே குற்றங் கண்டு பிடிக்கலாம்.

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SRI N. ANNAMALAI PILLAI:—“கொபால் ராவ் கதையைச் சோதனை பண்ண வாரண்டு வாங்கி இருக்கிறார்களா?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ஒரு கேஸ் நடந்தால் தர்க்கம் பண்ணினால் எவ்வளவோ தர்க்கம் பண்ணலாம். இந்தக் கேசில் கனவு போனவுடன் அதைக்கண்டு பிடிக்கச் சரியாய் போலீஸ்காரர் வேலை செய்திருக்கிறார்கள்.”

SRI N. ANNAMALAI PILLAI:—“அதைச் சொல்லவில்லை. பிரமச்சாரி ஆசிரமத்தை சோதனை போட்டது உண்டா?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“வேறு யாருடைய இடத்தையும் சோதனை பண்ணவில்லை.”

SRI N. ANNAMALAI PILLAI:—“சோதனை பண்ணி இந்தநாள் போலீஸார் பேரில் நடவடிக்கை எடுக்க கவரண்பெண்குக்கு உத்தேசமிருக்கிறதா?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ஒரு சொத்து கதையில் வைத்து நியாயமாய் திருட்டுப் செய்யப்பட்டதென்று கண்டால் அதைக்கண்டு பிடிக்க எந்தெந்த இடத்தில் நியாயமாய் சோதனை பண்ணவேண்டுமோ அந்த இடத்தில் சோதனை பண்ண வேண்டியது நியாயம். அப்படிக்கில்லாமல் அதில் பிச்சிருந்தால் கவரண்பெண்டார் விசாரிப்பார்கள்.”

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—“Sir, I do not understand what is going on in the Assembly. is it intended that other members should also understand what is it intended that tother members should also understand what is taking place in the Assembly?”

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

THE HON. SRI C. RAJAGOPALACHARIAR:—“I was only repeating in Tamil what I have already answered at great length in the original answer.”

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(No reply.)

MR. SPEAKER:—“What is the complaint of Mr. Schamnad?”

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—“I want that what is going on here should be understood by everybody in the Assembly.”

MR. SPEAKER:—“Does the hon. Member mean to suggest that Sri Annamalai Pillai cannot put a supplementary question because he does not know English and cannot put it in that language?”

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—“I would suggest that it should be translated so that all members may follow the proceedings.”

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MR. SPEAKER:—“Into what language?”

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MR. SPEAKER:—“In all the six languages?”

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—“Otherwise, how are we to know it, Sir?”

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* 630 Q.—[Basheer Ahmed Sayeed Sahib Bahadur who had given notice of the question was absent.]

SRI G. KRISHNA RAO:—“It is an important question, Sir; may I request the question to be answered?”

MR. SPEAKER:—“I do not permit.”

Introduction of spinning industry in jails.

* 631 Q.—**SRI K. V. R. SWAMI:** Will the Hon. the Minister for Law be pleased to state—

(a) whether spinning has been introduced in any other prisons than those at Coimbatore and Vellore;

(b) if so, what they are;

(c) the number of hands engaged in spinning last year in each of the two jails mentioned in clause (a); and

(d) the quantity of yarn produced during the same period?

THE HON. DR. P. SUBBARAYAN:—“(a) & (b) No spinning is carried on in the Central Jail, Vellore. Hand-spinning has been introduced during this year in the Presidency Jail for Women, Vellore, and the Central Jail, Cannanore. Wool-spinning is carried on in the Central Jail, Bellary.

“(c) & (d) The number of hands engaged in spinning in the Central Jail, Coimbatore, on 31st December 1937 was 158, and the quantity of yarn produced in 1937 was 296,197 lb.”

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SRI N. ANNAMALAI PILLAI:—“கோபால் ராவ் கடைபைச் சோதனை பண்ண வாரண்டு வாங்கி இருக்கிறார்களா?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ஒரு கேஸ் நடந்தால் தர்க்கம் பண்ணினால் எவ்வளவுவோ தர்க்கம் பண்ணலாம். இந்தக் கேசில் கனவு போனவுடன் அதைக்கண்டு பிடிக்கச் சரியாய் போலீஸ்காரர் வேலை செய்திருக்கிறார்கள்.”

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THE HON. SRI C. RAJAGOPALACHARIAR:—“ஒரு சொத்து கடையில் வைத்து நிரயமாய் நிறுட்டுப் போய்விட்டதென்று கண்டால் அதைக்கண்டு பிடிக்க எந்தெந்த இடத்தில் நிரயமாய் சோதனை பண்ணவேண்டுமோ அந்த இடத்தில் சோதனை பண்ண வேண்டியது நியாயம். அப்படிக்கில்லாமல் அதில் பிச்சிருந்தால் கவர்ன்மெண்டார் விசாரிப்பார்கள்.”

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“(c) & (d) The number of hands engaged in spinning in the Central Jail, Coimbatore, on 31st December 1937 was 158, and the quantity of yarn produced in 1937 was 296,197 lb.”

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SRI V. J. SAMU PILLAI:—" May I know how hand-spun yarn is utilized? "

THE HON. DR. P. SUBBARAYAN:—" The yarn is often woven in the jail factory."

SRI N. M. R. SUBBARAMAN:—" May I know why spinning is not introduced in the other jails especially when a large amount of money is spent in purchasing cloths from outside of jails? "

THE HON. DR. P. SUBBARAYAN:—" It is not as easy as the hon. Member thinks it is."

SRI K. V. R. SWAMI:—" May I know what the difficulty is in introducing the spinning of yarn in the other jails? "

THE HON. DR. P. SUBBARAYAN:—" I am afraid the difficulties are that we have not got proper instructors and proper cotton, of which the hon. Member is not aware as I am."

SRI K. V. R. SWAMI:—" Is it not a fact that there are very many people who know this art? "

THE HON. DR. P. SUBBARAYAN:—" I am afraid not inside the jails, but outside." (Laughter.)

SRI K. V. R. SWAMI:—" Can we not employ some of these instructors? "

THE HON. DR. P. SUBBARAYAN:—" I do not think the hon. Member wishes to increase the already bloated budget of the present Government."

SRI K. V. R. SWAMI:—" Are not Government aware that profits can be made if spinning is introduced on a large scale? "

THE HON. DR. P. SUBBARAYAN:—" I am afraid it is not true at the present moment."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" May I know the various kinds of yarn spun in jails? "

THE HON. DR. P. SUBBARAYAN:—" I am afraid the question involves investigation. If a separate question is put, I shall try to answer it."

Manufacture of cumblies in jails.

* 632 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(a) whether the yarn required for weaving cumblies in jails is manufactured in such jails or whether it is purchased; and

(b) how the cumblies manufactured in jails are disposed of?

THE HON. DR. P. SUBBARAYAN:—" (a) Cumblies are manufactured in the Central Jails at Rajahmundry, Trichinopoly, Cannanore and Bellary. The bulk of the yarn required for

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weaving cumblies in these jails is manufactured and supplied by the Central Jail, Bellary. It has been necessary to purchase yarn from outside sources for the Central Jails at Rajahmundry, Trichinopoly and Cannanore only occasionally, when the Central Jail, Bellary, is not able to comply with their urgent demands.

" (b) The cumblies manufactured in jails are used partly by the Jail department itself and partly by the Forest, Police and Stationery departments."

Working of the Probation of Offenders' Act.

* 633 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state—

(a) the number of convicts released under the Probation of Offenders' Act up till now;

(b) whether any report is received as to the results of the work done; and

(c) if so, what the same is?

THE HON. DR. P. SUBBARAYAN:—" (a) The statement below gives the number of first offenders released under the Madras Probation of Offenders' Act, 1936, till the end of August 1938:—

Madras	...	...	201	Madura	...	...	190
Bellary	...	...	48				—
North Arcot	...	...	84	Total	...	...	644
Coimbatore	...	...	121				—

" (b) & (c) The Government received a report from the Inspector-General of Prisons in February last on the working of the Act during 1937. This report covered only a period of about four months from August to December 1937 and contained information on the following points:—

(i) The number of probation officers, paid and honorary, employed in each district and the salary or remuneration and other expenses paid to each officer in each district; and

(ii) the number of first offenders placed under the supervision of the probation officers in each district and the number of first offenders released under the Act as well as the classification of offences of persons placed on probation."

SRI G. RANGIAH NAYUDU:—" In the month of December were any prisoners released under this Act from the Madras Penitentiary? "

THE HON. DR. P. SUBBARAYAN:—" I am afraid I must ask the hon. Member to put down a separate question."

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Revision of the scale of establishment and the conditions of service of ward-boys, scavengers, cooks, etc., employed in Government hospitals.

* 634 Q.—ABDUL HAMEED KHAN SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of nurses, Indian and Anglo-Indian, employed in the General Hospital, Madras;

(b) the number of beds in the various departments of the General Hospital;

(c) the number of ward-boys, scavengers, cooks, etc., employed in the General Hospital and the conditions of their employment;

(d) whether there is any leave reserve in respect of persons mentioned in (c) as in the case of Medical Officers; and

(e) whether there is any proposal under the consideration of Government for the revision of the scale of establishment, the conditions of their employment, etc., in respect of menial establishment including cooks employed in Government hospitals?

THE HON. DR. T. S. S. RAJAN:—“(a) There are 35 Anglo-Indian 7 Indian staff nurses and 3 male nurses in the hospital. Besides these there are 56 Anglo-Indian and an equal number of Indian pupil nurses in the hospital. One post of staff nurse and three posts of pupil nurses are at present vacant.

“(b) The number of beds in the several departments of the hospital are (1) Medical—277, (2) Surgical—249, (3) Skin—11, (4) Ear, Nose and Throat—25, Venereal—34, (5) Orthopaedic—24 and (6) common for all Surgeons and Physicians 42, of which 22 are in the special wards. In addition to these there are 16 beds vacant at present on account of the remodeling of the hospital.

“(c) There are 4 theatre assistants, 57 male nursing orderlies, 35 female nursing orderlies, 41 male totis, 15 female totis, 25 peons and attendants, 1 female gate peon, 15 cooks, 32 lascars, 8 sweepers, 12 dhobis and 7 gardeners. Theatre assistants, nursing orderlies, attendants, peons and totis are paid from establishment charges. Excepting totis, the rest are entitled to pension. Totis, however, are given a bonus of Rs. 2 per mensem each in addition to their pay.

“(d) Nursing orderlies and totis perform day duty and night duty alternately every week. The day duty is from 7 a.m. to 6 p.m. with an interval of one hour for meals and the night duty from 6 p.m. to 7 a.m. the next morning with the same interval for meals.

“(e) Lascars, sweepers and gardeners, etc., are treated as menials and are paid from contingencies in accordance with the prevailing market rates. The service of lascars are utilized for miscellaneous work such as carrying patients on stretchers, taking medicines to and from the dispensary and the wards,

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etc. Besides these posts, there are chauffeurs, painters, bricklayers, carpenters, tailors, etc., employed in the hospital. They work from 6 a.m. to 6 p.m. with an interval of two hours for meals.

“Peons, attendants and dhobis work from 7 a.m. to 5 p.m. with an interval of one hour for meals.

“Cooks work from 7 a.m. to 5 p.m. They have night duty once in four days when they go off duty at 12 noon next day.

“(d) There is no leave reserve for any of the servants mentioned in the answer to clause (c) above. Excepting hospital leave and other leave under the Fundamental Rules to which hospital servants may be entitled, they are not allowed any leave on holidays or Sundays. The exceptions are the peons and attendants and dhobis, who are allowed half a day's leave on holidays and Sundays. No casual leave with pay is granted to any of the servants; on days they are absent, substitutes are engaged and paid from the pay of the absentees.

“(e) The answer is in the negative.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I know the number of nurses that are engaged in the special wards and the number employed in the general ward?”

THE HON. DR. T. S. S. RAJAN:—“Notice.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“In view of the fact that the number of nurses in the general ward is not sufficient, may I know whether the Hon. Minister will consider the advisability of increasing that number?”

THE HON. DR. T. S. S. RAJAN:—“I may inform the hon. Member that the ratio of nurses to patients is fixed in the regulation regarding the recruitment of nurses and, according to that, the number of nurses is engaged. Wherever there is any shortage Government always take the earliest opportunity to make it up, so that the sanctioned number of nurses shall always be maintained.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“In answer to clause (a) of the question it was stated that some of the vacancies of nurses have not been filled. May I know what is the reason for that, and will not the patients suffer for want of proper attention?”

THE HON. DR. T. S. S. RAJAN:—“The recruitment of nurses is done twice a year, and if there is any vacancy in the interval, it has to wait till then. Advertisements are made, applications are called for and the vacancies are then filled.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Does the Hon. Minister realize that if the vacancies are not filled immediately, patients will suffer on account of the shortage of nurses?”

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THE HON. DR. T. S. S. RAJAN:—"I do not know whether there is any suffering; the numerical strength is always adjustable without any dislocation to the regular attendance on the patients."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know whether the Hon. Minister will consider the desirability of doing justice to the nurses in the matter of leave?"

THE HON. DR. T. S. S. RAJAN:—"The nurses have got their own set of leave rules."

DR. M. J. SAMUEL:—"May I know whether 24 beds are sufficient to meet the growing demand of patients for treatment of orthopaedic diseases?"

THE HON. DR. T. S. S. RAJAN:—"I am not aware of any such complaint. If the hon. Member is interested in the matter, he may put a separate question on it."

SRI N. M. R. SUBBARAMAN:—"May I know why leave with pay is not granted to scavengers?"

THE HON. DR. T. S. S. RAJAN:—"Because their category does not admit of leave with pay being granted."

SRI P. R. K. SARMA:—"May I know on what basis these categories and classifications have been made?"

THE HON. DR. T. S. S. RAJAN:—"According to the services rendered and the terms of recruitment."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Is it not a fact that these categories were fixed before the advent of Responsible Government, and when the new Government have come in, these categories have necessarily to be changed?"

THE HON. DR. T. S. S. RAJAN:—"I am not aware as to when these rules were made."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Government will consider it desirable of giving more facilities to the menial servants and nurses?"

THE HON. DR. T. S. S. RAJAN:—"Such facilities as are consistent with the duties performed by them have been provided for; and the servants themselves have not complained so far."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"In view of the fact that these rules came into existence in the pre-Reform days, may I know whether it will not be advisable to change these categories to bring them into line with modern times?"

THE HON. DR. T. S. S. RAJAN:—"Sir, because a rule was made in pre-Reform days, it does not become bad by that. If there is a necessity to alter the rule, certainly if the circumstances warrant it is the duty of the Government to effect the change after proper inquiry."

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SRI P. R. K. SARMA:—"May I know whether the Government will consider the desirability of revising the service rules relating to the menial servants in the General Hospital with a view to admit them to the benefit of leave with pay and provident fund?"

THE HON. DR. T. S. S. RAJAN:—"I cannot answer that question straightaway. I shall inquire if that is possible."

SRI P. R. K. SARMA:—"May I know what is the policy of Government in such matters?"

THE HON. DR. T. S. S. RAJAN:—"There is no policy. It depends on the scale of salary they receive and on the terms of their recruitment."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Is not the Minister here responsible to the House, even though, it might be, that it was during the pre-Reform days the rules were made?"

THE HON. DR. T. S. S. RAJAN:—"I do not know where the responsibility of the Minister comes in here."

Quantity of tobacco and groundnut from Guntur exported ex Masulipatam and Cocanada.

* 635 Q.—SRI K. VENKATAPPAIYIA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the total number of tobacco and groundnut bales exported each year during the last five years from the ports of Masulipatam and Cocanada; and

(b) how many of those bales are from the district of Guntur?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" (a) A statement^a showing the exports to foreign countries is laid on the table. The quantity exported is not recorded for tobacco and groundnut in bales.

" (b) Information is not available."

SRI D. V. RAMASWAMI:—"Will Government call for the information, Sir?"

SRI B. S. MURTI:—"Yes, Sir."

Application of the Shoranur Metal Industries, Ltd., for State aid.

* 636 Q.—SRI C. K. GOVINDAN NAYAR: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Shoranur Metal Industries, Ltd., had applied to the Government in 1937 for any aid and if so, what action was taken on it?

^a Printed as Appendix II on page 295 infra.

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SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—"Yes; the company had applied for a loan of Rs. 10,000 and also for subscription by Government to shares of the value of Rs. 10,000 in it. The applications were rejected on the recommendation of the Board of Industries."

SRI K. V. R. SWAMI:—"May I know what is the reason for rejecting this application?"

SRI B. S. MURTI:—"The company has already been granted a loan of eight thousand rupees on 30th October 1931."

SRI K. V. R. SWAMI:—"Was it sufficient for the company to go on?"

SRI B. S. MURTI:—"There was also another reason. The Board of Industries considered that the security offered by the company was quite inadequate and further the purchase of shares was not recommended in view of the loss sustained by the company's operations."

SRI K. V. R. SWAMI:—"Did Government take any steps to help the company not to sustain loss?"

SRI B. S. MURTI:—"Yes, Sir; the grant of loan already referred to was sufficient help given to the company not to sustain loss."

Industrial policy of Government.

* 637 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the policy of the present Government in respect of Industries is "Not to come into competition with private enterprise" or "Not to nationalize big and important industries"; and

(b) if not, what it is?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—" (a) & (b) The attention of the hon. Member is invited to the answer given to the starred question No. 370 put by him at the meeting of this House on the 21st March 1938. It may be further stated that the Government await the recommendations of the All-India Industries Planning Committee."

SRI K. V. R. SWAMI:—"Until the Committee gives its opinion, are the Government not prepared to do anything for the industries, Sir?"

SRI B. S. MURTI:—"The Government are expediting the decision of the Committee."

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SRI P. R. K. SARMA:—"May I know, Sir, what the policy of the Government in this matter was in the past and whether the Government propose to follow a different policy hereafter?"

SRI B. S. MURTI:—"The Government are prepared to follow the policy of encouraging all industries."

SRI K. V. R. SWAMI:—"May I know, Sir, any of the industries which the Government have encouraged from the time they have taken up office?"

SRI B. S. MURTI:—"There are many industries which the present Government have encouraged."

SRI K. V. R. SWAMI:—"May I know one of them, Sir?"

MR. SPEAKER:—"That is not a supplementary question."

* 638 Q.—(Mr. D. R. Isaac, who had given notice of the question was absent when the question was called.)

New taxation proposals under the consideration of Government.

* 630 Q.—BASHEER AHMED SAYEED SAHIB BAHADUR: Will the Hon. the Prime Minister be pleased to state what the proposals of new taxation are which are under the consideration of Government?

THE HON. SRI C. RAJAGOPALACHARIAR:—"The Government are not prepared to disclose the proposals for new taxation which they have under their consideration before they actually reach decisions and present the proposals to the Legislature."

Rules and regulations for the recruitment and appointment of municipal Commissioners.

* 638 Q.—MR. D. R. ISAAC: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether all persons appointed as Commissioners of municipalities direct (who do not hold a lien) are started on the same scale of pay;

(b) if so, what the pay is on which they are started;

(c) whether there are any rules and regulations prescribing the method of recruitment and conditions of service of municipal commissioners; and

(d) if not, whether the Government propose to frame rules and regulations?

THE HON. SRI B. GOPALA REDDI:—" (a) The answer is in the negative.

" (b) The initial pay as Commissioner is fixed at the rate of pay previously drawn under local funds if it represented any stage in the Commissioner's scale and in other cases at an appropriate stage in that scale.

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“(c) & (d) The method of recruitment and the conditions of service of Municipal Commissioners have been prescribed in section 12-C of the Madras District Municipalities Act, 1920. The regulations relating to the grant of leave and leave allowances, etc., of Commissioners appointed from municipal or local fund service contemplated by this section have already been framed by Government.”

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—“Is there not a minimum qualification for the appointment of Commissioners, Sir?”

THE HON. SRI B. GOPALA REDDI:—“There is no provision with regard to qualifications.”

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—“Are the Government aware that the salaries of certain Commissioners are not in proportion to their qualifications?”

THE HON. SRI B. GOPALA REDDI:—“Salary is not based on qualifications.”

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—“Are the Government aware that a law graduate is drawing only a salary of Rs. 100 whereas a Senior Cambridge is drawing a salary of Rs. 480?”

THE HON. SRI B. GOPALA REDDI:—“It may be a fact, but salaries are not based on qualifications.”

SRI S. NAGAPPA:—“May I know, Sir, on what their salaries are based?”

THE HON. SRI B. GOPALA REDDI:—“Their salaries are based on their efficiency.”

SRI S. NAGAPPA:—“How do the Government judge their efficiency, Sir?”

THE HON. SRI B. GOPALA REDDI:—“We have got our own standard of judging their efficiency.”

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

II.—THE MADRAS PUBLIC HEALTH BILL, 1938 (L.A. BILL No. 17 OF 1938).

MR. SPEAKER:—“The consideration of the amendments to the Madras Public Health Bill will now be resumed.”

Clause 60.

Paragraph (b).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—“In moving this amendment^a I would like to explain that a small mistake has crept in here. It was not my intention to ask for the deletion

^a For all the words after the word “occupation” in line 1 of paragraph (b) substitute the following:—“Likely to bring him into contact with the outside public.”

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of the words ‘without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein,’ but only to insert the words ‘likely to bring him into contact with the outside public’ after the word ‘occupation.’ The amended clause will read thus:—

‘No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease—

(a) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption; or

(b) engage in any other occupation likely to bring him into contact with the outside public without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.’

“The effect of the amended clause according to my original amendment will be to prevent any of the infected persons from getting any occupation whatsoever. That was not my object, Sir. There is no objection to any infected person keeping himself engaged in any occupation which suits his health and capacity, except such occupation as would bring him into contact with the outside public. That is my amendment, Sir.”

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—“The amendment is simply unworkable. There are many diseases which need not necessarily be infectious when the persons suffering from them come into contact with the public. It depends upon the nature of the disease. Therefore it will be impossible to work it and it will be meaningless. I regret I cannot accept the amendment.”

The amendment was by leave withdrawn.

Clause 60 was put and carried.

Clause 61 was put and carried.

Clause 62.

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“Sir, I beg to move—

‘Omit item (e).’

“Sir, it may look strange that I should get up and move an amendment for the deletion of the word ‘leprosy’ from the Notified Infectious Diseases; but I seriously thought over it and ultimately decided, Sir, that I must present my point of view to the Hon. Minister for Public Health, so that he may consider it and see whether the deletion is not necessary. I admit, Sir, that leprosy is a very serious infectious disease. It is no doubt

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true that it must find a place in the list of infectious diseases. People who are suffering from the disease of leprosy are often very poor people who cannot live without begging alms or working as workers or labourers. This disease does not, no doubt, observe any class distinction and is also found among the rich. But the number is greater among the poor. For these unfortunate people, adequate facilities are not given either by the Government or by the local bodies. We do not have leper settlements all over the Province. No doubt there are a few settlements here and there, but I feel that they are very few when compared with the magnitude of the disease. The disabilities placed on them under this measure coupled with their poverty will really work great hardship. Under this Bill they are for instance prevented from taking or sending their clothes to laundries, they are prevented from using a public conveyance, they are prevented from letting or subletting the houses in which they reside, and people are prevented from working in the house of an infected man. These are, Sir, the disabilities which these people will suffer under. When important facilities like those mentioned above are denied, the life of any human being is apt to become miserable. To crown all this there is no cure for this disease. This is a life-long misery for them. So long as there is no permanent cure for the disease and there is no adequate provision for the treatment in a leper asylum or settlement, it is very unfair that these clauses should be passed. I beg to submit that this disease has been included in the previous chapter under infectious diseases and even according to that chapter certain restrictions have to be placed on lepers. Therefore, I think legislation in this drastic form as indicated in the chapter on notified disease will not be proper at the present time. I therefore move my amendment, Sir."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I am sorry, Sir, I am not able to accept the amendment of the hon. Member. In making out a case for the deletion of item (e) from this clause, he has made out a wrong case. He wants us to sympathize with the lepers. I would ask him, Sir, to have some sympathy to those non-lepers in this Province for whose protection this Act is meant. Secondly his own arguments are enough to turn down the amendment that he has moved. The first thing he referred to was the slow nature of the disease. He said that the life of a leper is very much prolonged than that of any other man who is suffering from an acute infectious disease, and that the protection afforded to the other communities is too much to the extent of the long period during which time the leper happens to be infectious. Therefore, the slow nature of the disease and the insidious onset of the disease themselves form one of the chief recommendations for framing a very stringent rule with regard to leprosy. Then

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the poor men who are suffering are the beggars. But the unfortunate position in any country and more so in this country is that the poor people suffer from a lot of inconveniences of which this infectious disease is one. But that does not in itself make a case for relief.

"Then there is another thing to which I take very strong objection: the statement that the Government do not give proper relief. I want to repudiate the statement of the hon. Member on this question. I think he can try to acquaint himself with what is being done. If he had done so earlier, I doubt whether he would have made this statement. There are 14 leprosy asylums in this Province. The number of lepers that are being treated here is comparatively much more than in any other part of India. There are 472 leper clinics in this Province wherein 3.75 lakhs of leprosy patients are being treated and all remedies provided. Therefore it is unfair to accuse the Government as the hon. Member did. We are not doing the best, we admit. The nature of the question is so vast and great that it is not possible to adopt all measures. But one of the measures is this Act wherein we want them to be isolated under certain conditions. Therefore we want this power under this section. 4 p.m.

"Then he refers to the difficulty of allowing these people to move about. Generally speaking, it is private charity that must come to the rescue. It is a social evil. It is not only a disease. It is dangerous to the community. Society as such must tackle this problem. From the health point of view such protection as is necessary must be afforded to the people and hence the necessity for this section. I regret I cannot accept the amendment."

The amendment was by leave withdrawn.

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, I move—

'In item (k), for the word "or" substitute the words "sore-eyes, itch, or".'

"I have given this amendment for a very good reason. The Hon. Minister is himself a medical man. But we have often had to resort to medical men. That experience has also to be taken into account. Sore-eyes is as infectious as measles and sore-eyes will travel with people and spread easily from man to man. We have added measles. It is not so dangerous. Very rarely we hear of fatalities there."

MR. SPEAKER:—"Your amendment seeks to put sore-eyes along with typhus."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"That does not mean they stand on the same footing."

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MR. SPEAKER:—"In item (k) 'typhus, sore-eyes, or itches,' that is the way it will read."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"As amended it will read: 'typhus, sore-eyes, itch or any other disease.'"

MR. SPEAKER:—"All the three come in (k)."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Instead of putting in another item. I have merely added these three. But it is open to the Minister to split them and give them different heads. I do not mind that. I am concerned with this that sore-eyes is as much infectious as any other disease. It troubles people continuously, sometimes for ten days; so that if a man goes to an assembly or travels he certainly carries the infection and spreads the disease. So in a place where sore-eyes is prevalent on a large scale, efforts must be taken by the Health department. I therefore ask with due respect that the Minister may also include in the classification of infectious diseases, sore-eyes and itch. Itch is most loathsome apart from being contagious. It is a social evil as long as it exists. The Hon. Minister said that leprosy was a social evil. Similarly as long as itch is here, we do not want such men to be moving in society. It is as much a disease to be taken care of by the department as any other infectious disease. So in all seriousness I move this amendment."

The amendment was duly seconded.

MR. W. K. M. LANGLEY:—"I really think that this proposal by the hon. Member, Mr. Basheer Ahmed would have the effect of reducing this Bill to a farce. We are dealing with extremely serious diseases, and I am personally for that reason with the Minister when he declined to accept the proposed amendment in connexion with such a terrible scourge as leprosy. If every contagion which may be unpleasant but which at the same time cannot have any serious consequences in the social system generally is included, then you are going to introduce a policy of interference with the individual, which will make this Bill extremely unpopular and would derogate from the importance of dealing with serious scourges which are enumerated in this particular clause. I quite agree that the hon. Member, Mr. Basheer Ahmed, is right in saying that sore-eyes and itch are very objectionable and spread from one person to another. But if he is going to introduce such minor things, why not introduce the common cold, if it is possible to do so? The common cold is to my mind a much greater social evil than a man with sore-eyes. I hope this amendment will not be accepted by the Hon. Minister."

* THE HON. DR. T. S. S. RAJAN:—"I am thankful to Mr. Langley for the elucidation of the position. I also congratulate Mr. Basheer Ahmed on his comprehensive knowledge of infectious

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diseases. But I regret that such trifling things are not a danger to human society and it is absolutely impossible by any stretch of imagination to conceive of such a contingency. Every one has had at some time or other sore-eyes or itch. I am unable to accept such a proposition as that."

MR. SPEAKER:—"What does the hon. Member propose to do?"

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I will leave it to the House."

MR. SPEAKER:—"Does the hon. Member want the amendment to be put to the vote of the House?"

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I shall answer you presently."

MR. SPEAKER:—"There is nothing to be answered. There is no right of reply."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Let it be voted upon."

The amendment was put and lost.

Clause 62 was put and carried.

Clause 63.

Sub-clause (1).

* THE HON. DR. T. S. S. RAJAN:—"I move this consequential verbal amendment—

'(a) In line 3, omit the word "may."

'(b) In line 9, after the word "infection" and before the colon, insert the words "from a notified disease."'"

The amendment was put and carried.

Sub-clause (2).

* THE HON. DR. T. S. S. RAJAN:—"I move also this verbal amendment—

'In line 2, for the words "for damage", substitute the words "for any damage" and in line 4, for the words "is occupied" substitute the words "had been occupied."'"

The amendment was put and carried.

Clause 63 as amended was put and carried.

Clause 64 was put and carried.

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Clause 65.

Sub-clause (1).

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

'In paragraph (a), for the words beginning with "in the case of factories" and ending with "and," substitute the following:—

"without notice in the case of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases, including dwelling houses; and "'

"The whole sentence is recast in the above amendment to make the meaning clear. It is merely a verbal amendment."

The amendment was put and carried.

Sub-clause (2).

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I move—

'In line 3, for the words "any reason," substitute the words "a medical practitioner or a Sanitary Inspector."'

"Under this clause any person is empowered to enter into any house to carry out the provisions mentioned therein. I feel that instead of authorizing any person, persons who are able to understand the nature of the disease and the like, viz., a medical practitioner or a Sanitary Inspector only may be empowered to enter."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"It is absolutely impossible in the working of the Act. On receipt of information, the Health department people may be asked to go and see. At the time of an epidemic the Sanitary Inspector may not be able to do everything himself. If I accept this, it will be very difficult to work the Act."

The amendment was by leave withdrawn.

Clause 65, as amended, was put and carried.

Clause 66 was put and carried.

Clause 67 was put and carried.

Clause 68 was put and carried.

Clause 69.

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

'(1) For the existing sub-clauses (1) and (2), substitute the following:—

"69. (1) No person who knows that he is suffering from a notified disease shall—

[9th January 1939] [Dr. T. S. S. Rajan]

(a) enter any public conveyance used for the conveyance of passengers at separate fares, or

(b) enter any other public conveyance, without previously notifying the owner, driver or conductor thereof that he is so suffering;

(2) No person having the care of a person whom he knows to be suffering from a notified disease shall permit that person to be carried—

(a) in any public conveyance used for the conveyance of passengers at separate fares, or

(b) in any other public conveyance, without previously notifying the owner, driver or conductor thereof that the person is so suffering;"

(2) For the existing sub-clause (3), substitute the following:—

"(3) The owner, driver, or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from a notified disease, at any time when a passenger not suffering from such disease is being conveyed therein:

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid, in such cases of emergency and subject to such restrictions and safeguards as may be notified by the Government."

(3) In sub-clause (5), omit the word "and" at the end.'

"The whole purpose of these amendments is this. The obligation lies on two people, firstly, on the person who is suffering from the disease and secondly, on the conductor or the driver of the bus. In the one case the obligation is on the person who is suffering from the disease: he has got to tell the conductor that he is going to get into the vehicle and that he is suffering from the disease. On the part of the driver the obligation is that if he knows that the man is suffering from an infectious disease, he should not carry him in the vehicle. In the working of the Act there will be occasions when it will be necessary to use the public conveyances. For instance, when there is a bus which is not occupied by any passenger and if it could be booked for carrying a person with an infectious disease, then, the local authority will make arrangements with the bus driver or conductor to enable him to carry the person and then when he has carried the person to his destination, the bus will be taken possession of by the local authorities and disinfected and made safe for others to travel. The

[Dr. T. S. S. Rajan] [19th January 1939]

idea is this. It is not that because there is the rule, conveyances should not be used. There will be occasions when conveyances will be necessary for such purposes. This clause makes the provision so that even public conveyances may be used for the purposes under certain restrictions and under certain regulations. That is what is meant to be aimed at in this clause."

The amendments were put and carried.

Clause 69 as amended was put and carried.

Clause 70 was put and carried.

Clause 71.

Sub-clause (1).

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

'In paragraph (b), for the words "theatre, market" substitute the words "market, theatre".'

The amendment was put and carried.

Explanation.

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

'In the penultimate line, for the words "Sanitary Inspector" substitute the words "Health or Sanitary Inspector".'

The amendment was put and carried.

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I beg to move—

'In line 6, after the word "Inspector" and before the word "that" insert the words "or a medical practitioner".'

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I am prepared to accept that amendment provided the medical practitioner is one registered under the Madras Medical Registration Act of 1914."

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I agree."

MR. SPEAKER:—"The question is—

'In line 6, after the word "Inspector" and before the word "that" insert the words "or a medical practitioner registered under the Madras Medical Registration Act, 1914".'

The amendment as amended was put and carried.

Clause 71, as amended, was put and carried.

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Clause 72.

Sub-clauses (1) and (2).

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

'In line 5 of sub-clause (1) and in line 1 of sub-clause (2), for the word "sub-section", substitute the word "section".'

"This is merely a verbal amendment."

The amendment was put and carried.

Clause 72 as amended was put and carried.

Clause 73 was put and carried.

Clause 74.

Sub-clause (2).

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

'In line 4, for the words "Sanitary Inspector", substitute the words "Health or Sanitary Inspector".'

The amendment was put and carried.

Sub-clause (5).

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

'In lines 1 and 2, for the words "No person shall, unless permitted by the Health Officer or a magistrate", substitute the words "Without the permission of the Health Officer or a magistrate, no person shall".'

The amendment was put and carried.

Clause 74 as amended was put and carried.

Clause 75.

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I beg to move—

'In line 3, after the word "magistrate" insert the words "not being a magistrate of the third class".'

The amendment was duly seconded.

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

The amendment was put and carried.

Clause 75 as amended was put and carried.

Clause 76.

Sub-clause (2) (b).

* SRI V. VENKATASUBBAYYA:—"I had originally proposed to delete sub-clause (2) (b) altogether. I now beg to move the same amendment in a modified form."

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MR. SPEAKER:—"You have not given notice of the amendment as now proposed by you. You have given notice only of two amendments, viz., that item (b) be deleted and a new clause 76-A be added. I cannot therefore allow any other amendment to be moved."

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p.m.

* SRI V. VENKATASUBBAYYA:—"I have been consulting the Government and want to move the amendment in a modified form in order to make it acceptable to the Government."

MR. SPEAKER:—"If the Government want to move any amendment to your amendment, they can do so. The hon. Member can move his amendments to delete item (b) and to add a new clause 76-A."

* THE HON. DR. T. S. S. RAJAN:—"We have been discussing with the hon. Mover a modified amendment which we can accept. It has been drafted but some little dressing is necessary and some little time may be granted."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"The amendment is in my hands, Sir. Shall I get it typed, or shall I get it roneoed just now?"

MR. SPEAKER:—"If it can be distinctly read, it may be read to the House."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Yes."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"May I suggest, Sir, that it would be better if the proposed amendment is typed and circulated to members."

MR. SPEAKER:—"If it is to be roneoed and circulated, it will take time. The Hon. the Premier will very clearly read it."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"If we do not have the amendment in our hands, we shall not be able to take any intelligent part in the discussion. I see that the other side is very solicitous about an amendment of a member of their own party."

MR. SPEAKER:—"You will find it to be a very harmless amendment and everybody will understand it."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"If that is your decision, I have nothing to say."

MR. SPEAKER:—"This is only a modified form of the amendment suggesting new clause 76-A."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Sir, this clause may stand over till the amendment has been drafted."

MR. SPEAKER:—"Not necessary. It is a very simple amendment."

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* THE HON. SRI C. RAJAGOPALACHARIAR:—"It is a lengthy amendment. Perhaps I may as well get it roneoed and circulated and in the meantime the next clause may be proceeded with."

MR. SPEAKER:—"Shall we suspend the sitting now?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"We can proceed with the other amendments."

MR. SPEAKER:—"We cannot proceed."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Then I will read out the amendment. On behalf of Mr. Venkatasubbayya I am reading the amendment. The modification that he proposes is this."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of order, Sir. Can the Hon. the Premier read on behalf of a member?"

MR. SPEAKER:—"On behalf of the Government."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I can understand the Hon. Premier taking it up himself. I thought he was going to read it on behalf of the other hon. Member."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I may perhaps inform the hon. Member that the Government are not willing to accept the amendment in the form in which it is found in the printed list. They are, however, willing to accept the amendment if it is modified in the following form. As Mr. Venkatasubbayya would not be able to read it easily straightaway from the manuscript, if hon. Members will just listen, we may be able to dispose of it. The House may reject it even if the Government to accept it:—

Sub-clause (2) (b).

1. After the word "compulsory," add the words, figure and brackets "subject to the provisions of sub-section (3)."

New sub-clause (3).

2. Remember sub-clauses (3) and (4) as sub-clauses (4) and (5) respectively, and insert the following as sub-clause (3):—

"(3) (a) If any person who or whose child is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (b) of sub-section (2) declares before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of his child,

[Sri C. Rajagopalachariar] [19th January 1939]

as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (b) and no exemption shall be granted to any person who has been so convicted.

(b) Any person who commits a breach of any undertaking given by him under clause (a) shall be punished with imprisonment which may extend to three months, or with fine, or with both."

MR. SPEAKER:—"It is too long and complicated. It may be roneed and circulated to the members of the House.

"We will pass on to clause 77 and take up the consideration of clause 76 later."

Clause 77.

New clause 77-A.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Mr. Speaker, in view of the long statement made by the Hon. Minister with reference to the amendment moved by my friend Mr. Abdur Rahman Khan regarding leprosy relief operations, I do not move my amendment proposing new clause 77-A."

Clause 77 was put and carried.

Clauses 78, 79, 80, 81, 82, 83, 84, 85, 86 and 87 were put and carried.

Clause 88.

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

'In lines 3 and 4, for the words "Sanitary Inspector" substitute the words "Health or Sanitary Inspector".'

The amendment was put and carried.

Clause 88 as amended was put and carried.

CHAPTER X.

Part I.

Clause 89 was put and carried.

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Clause 90.

Sub-clause (1).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I formally move the amendment—

'In lines 1 and 2 of paragraph (a), for the words "the Health Officer", substitute the words "the Director of Public Health".'

The amendment was duly seconded.

* THE HON DR. T. S. S. RAJAN:—"I accept this amendment."

The amendment was put and carried.

Sub-clause (2).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I again formally move my amendment to this sub-clause—

'In line 2, for the words "Health Officer", substitute the words "Director of Public Health".'

The amendment was duly seconded.

* THE HON DR. T. S. S. RAJAN:—"I accept this amendment also."

The amendment was put and carried.

Clause 90 as amended was then put and carried.

Clause 91 was put and carried.

Clause 92.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I move—

'In line 2 of item (a) after the word "workplace," insert the words "theatre or cinema house," and in line 2 of item (b) after the word "workplace" insert the words "theatre or cinema house."'

"These amendments are intended to see that theatres do not come into existence in the midst of residential quarters."

The amendments were duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I cannot accept the amendments for the simple reason that it is governed by another authority and we will come into conflict with the Central authority."

The amendments were by leave withdrawn.

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Explanation (2).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I beg to move—

'In line 6, for the words "Health Officer" substitute the words "Director of Public Health".'

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I cannot accept the amendment."

The amendment was by leave withdrawn.

Clause 92 was put and carried.

Clause 93.

New sub-clause (2).

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"May I explain, Sir, why I have proposed this amendment to add a new sub-clause to sub-clause (1)?"

MR. SPEAKER:—"If the hon. Member is going to withdraw the amendment or is not moving it, he need not waste the time of the House by offering explanations. If he is going to press his amendment I will allow him to move it."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"As you like it, Sir."

MR. SPEAKER:—"It is not a question of my liking or not; the hon. Member may withdraw his amendment or move it."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I do not move the amendment."

Clause 93 was put and carried.

Part II.

Clause 95.

Sub-clause (2).

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

'In line 3, for the word "occupiers" substitute "occupants".'

The amendment was put and carried.

Part II (clauses 94 to 97), as amended, was put and carried.

Part III.

Part III (clauses 98 to 100) was put and carried.

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CHAPTER XI.

Clause 101.

Proviso.

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I 4-45
beg to move— p.m.

'In line 3, for the word "for" substitute the words "on expiry of".'

"Sir, this is merely a verbal amendment."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"It is not a verbal amendment. It will take away the whole meaning of the clause."

The amendment was by leave withdrawn.

Clause 103.

Sub-clause (1).

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

'In line 4 of sub-clause (1), before the words "shall register" insert the words "and on payment by him of such fee, if any, as may be prescribed for the purpose".'

The amendment was put and carried.

Proviso (b) (1).

* DR. M. J. SAMUEL:—"I beg to move—

'Add at the end the following:—

"if any person who prepares or distributes or sells any edible matter prepared in that lodging house fails to produce a certificate from a registered medical practitioner that he is not suffering from any contagious disease and that he is fit to come in contact with articles of food".'

"Sir, the reason why I want to move this amendment is that venereal diseases do not come under notified diseases under this Bill and we generally find in some hotels in the mufassal that persons affected with venereal diseases are preparing or are selling edible matter. I therefore beg to suggest that there should be some ban imposed on such people not to serve in such hotels or prepare or sell edibles. It is with that view that I want that all persons employed in such hotels should go to a medical practitioner and get a certificate that they have not got such diseases and that they are fit to be employed, or to prepare or sell edibles."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"All these are covered by the various sections on 'Food Control.'"

The amendment was by leave withdrawn.

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Sub-clause (5).

* THE HON. DR. T. S. S. RAJAN:—"I beg to move—
'Omit sub-clause (5).'

"Sir, I suggest the deletion of this sub-clause."

The amendment was put and carried.

Chapter XI (clauses 101 to 107), as amended, was put and carried.

NEW CHAPTER XII.

New clause 107-A.

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move—

'Insert the following as Chapter XII and renumber the rest of the chapters:—

"Beggar asylums.

"107-A. (1) *The Local Authority may and, if so, required by the Government, shall provide or cause to be provided and maintained—*

(i) *beggar asylums or homes for the housing and maintenance of beggars and destitutes of all classes, disabled owing to infirmity, age, disease or other causes;*

(ii) *tenements for sheltering the houseless poor who are not beggars by profession.*

(2) *On application by the executive authority any magistrate having local jurisdiction shall have power to prohibit either generally or by special order in any individual case—*

(i) *to prohibit begging for alms by able-bodied persons and the class known as somaris, in the Madras City;*

(ii) *to order their detention for such period as may be considered necessary in asylums where they shall earn their living by manual labour suitable to their age and calling in life;*

(iii) *to order the detention of leprous beggars separately in isolation hospitals maintained for the purpose, and specified in Chapter VII.*

Provided that the foregoing provisions shall not apply to sanyasis, bhairagis or other mendicants who take alms as a result of religious vow."

"Sir, this new clause is intended to enable the Government to open beggar asylums. It may be contended by the Hon. Minister that the beggar problem is outside the scope of this Bill. Diseases

[19th January 1939] [Sri A. Appadurai Pillai]

among the beggars affect the health of the citizens considerably. Among the beggars there are very many diseased people particularly affected by leprosy. I therefore commend this amendment for the consideration of the Hon. Minister. I do not wish to make a long speech because before I know the mind of the Hon. Minister in this respect, there seems to be no object in my making a long speech."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"Sir, an obligation of the sort contemplated in the hon. Member's amendment, if cast on the local bodies and the Government, will make it almost impossible for the Government to work the Act. In fact, the financial implication involved in starting and maintaining beggar homes is so tremendous that I would be blind to such implications if I accept this amendment. Therefore, it is not a practicable proposition, however desirable it may be."

The amendment was put and lost.

CHAPTER XII.

Clause 112.

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I beg to move—

'Add the following proviso at the end:—

"Provided that before entering a place known to have been appropriated to females sufficient time shall be given to its inmates to withdraw from such place of inspection."

"Sir, I need not speak much on this proviso as the amendment speaks for itself."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I may inform the hon. Member that such a class of women do not engage in the preparation or sale of articles of food intended for sale. If such a proviso as contemplated in the amendment is introduced, it would nullify our object. Therefore, I cannot accept the amendment."

The amendment was put and lost.

Clause 113.

Sub-clause (2).

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

'In lines 3 and 4, omit the words "notified by the Government in this behalf".'

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"I wish to say that these words may be omitted in view of a similar provision contained in clause 160 (a)."

The amendment was put and carried.

Chapter XII (clauses 108 to 115), as amended, was put and carried.

CHAPTER XIII.

Clause 119

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

'Omit clause 119 and

'(a) renumber clauses 120 to 126 as clauses 119 to 125.

'(b) in paragraph (b) of clause 3 (21) as renumbered, for "section 126" substitute "section 125".

'(c) In clause 121 as renumbered, for "122" in line 2, substitute "120" and for "121" in line 7 substitute "120."'

"Sir, this is merely a renumbering of the clauses."

The amendment was put and carried.

Clause 122 (1) as renumbered.

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

'In lines 1 and 2, for the words "Health Inspector or Sanitary Inspector" substitute "Health or Sanitary Inspector".'

"Sir, this is only a verbal amendment."

The amendment was put and carried.

Clause 122 (2) (c) as renumbered.

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

'In line 4, for the words "from which" substitute the words "from whom".'

The amendment was put and carried.

Clause 123 as renumbered.

Sub-clauses (1) and (2).

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

'(a) In sub-clause (1), in lines 3 to 4 of the proviso, for the words "building or place" substitute the words "land or building".'

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'(b) In sub-clause (2), for the words beginning with "compensation for damage" up to the end, substitute the following:—

"compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the District Collector."'

The amendment was put and carried.

Chapter XIII (clauses 116 to 126), as amended, was put and carried.

CHAPTER XIV.

New clause 126.

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

'Before clause 127 insert the following clause:—

"126. If in respect of any fair or festival, any tax or toll is levied under section 117 or section 118 of this Act, or under section 116 of the Madras District Municipalities Act, 1920, or section 110 of the Madras Local Boards Act, 1920, the local authority shall have power to spend the proceeds thereof in connexion with the fair or festival or for the benefit generally of the local area concerned, in such manner as the Government may, by general or special order authorize."'

"According to this Bill in the case of local fairs and festivals, some tolls on ferries and on vehicles entering the festival area are permitted to be levied. The question is how that money is to be disposed of. If the sum belongs to the local body, and if after spending whatever they think necessary, there is a balance, it shall be open to the local body under the direction of the Government to utilize that money as they direct."

The amendment was put and carried.

Clause 127 was put and carried.

CHAPTER XV.

New clause 135-A.

* THE HON. DR. T. S. S. RAJAN:—"I may tell the hon. 5 p.m. Member, Mr. Walker, that I am accepting his amendment. He may formally move it."

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Mr. G. E. WALKER:—"I beg to move the following amendment:—

'After the heading "*Miscellaneous*," and before clause 136 add a new clause as follows:—

"135-A. Any decision of the Health Officer against which an appeal is not otherwise provided for in this Act shall be subject to such appeal as may be prescribed."

'And renumber the following clause consecutively.'

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I want to add to the amendment the following words: 'and make consequential alterations in internal references.' I am accepting the amendment with this addition."

The amendment of Mr. Walker as further amended by the Hon. Minister was put and carried.

Clause 136.

Sub-clause (1).

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

'(a) In paragraph (c), in lines 1 and 2, for the word "*municipality*" substitute the words "*local area*".

'(b) In paragraph (d), in line 2, for the word "*fixing*" substitute the word "*affixing*".'

The amendment was put and carried.

Clause 139.

Sub-clause (1).

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

'In lines 3 and 4, for the words "*Sanitary Inspector*" substitute the words "*Health or Sanitary Inspector*".'

The amendment was put and carried.

Clause 141.

Sub-clause (2).

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

'(a) In line 3, before the word "*Government*" insert the word "*the*";

'(b) In the same line, for the words "*or person*" substitute the words "*and no person*";

'(c) In the last line, for the words "*under this Act*" substitute the words "*by or under this Act*".'

The amendment was put and carried.

[19th January 1939]

Clause 142.

Explanation.

SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to move the following amendment:—

'Add at the end, the words "*later than three months of the commission of the alleged offence*".'

'Sir, this clause provides for the prosecution of persons committing offences under the Act. The explanation states that no prosecution shall be instituted under this section without the previous sanction of the Government. My amendment is to the effect that no prosecution should be instituted later than three months of the commission of the alleged offence. My reason for the amendment is that no alleged offender ought to be kept in suspense for more than three months. If a prosecution is to take place, it is better that it takes place within a period of ninety days. If no such prosecution is launched within that period, then the alleged offender ought to take it that no proceedings would be taken against him. This would prevent undue harassing.'

The amendment was duly seconded.

THE HON. DR. T. S. S. RAJAN:—"I cannot accept the position that an offender can escape the consequences of his offence by lapse of time. I cannot accept the amendment."

The amendment was by leave withdrawn.

Chapter XV (clauses 128 to 144), as amended, was put and carried.

Schedules I and II.

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I beg to move the following amendment:—

'In Schedules I and II dealing with penalties under section 134 of the Act—

For penalties between Rs. 10 and Rs. 25 reduce by 25 per cent and for penalties between Rs. 25 and Rs. 100 reduce by 50 per cent.'

'Sir, we have up to this moment considered various sections of the Bill, for infringing which the schedules prescribe certain penalties. I think we must all remember, as I have stated on a former occasion, that this Bill is a very comprehensive Bill and is to a very large extent a new measure with which the public have not become familiarized and it will require a good deal of propaganda on the part of the Government, the local bodies and the various other authorities to help to put this Bill into force, not only in its entirety but even in part. I know that there are various

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provisions in the Bill under which innocent people may unwittingly commit offences. They may not know that they are committing an offence because sufficient propaganda has not been made. I am very positive, Sir, that such cases will be very large in number. Therefore, if this Act is going to be enforced the fact that a large number of people will commit offences without a knowledge of the provisions of the Bill, will have to be taken cognizance of by the authorities concerned. The alleged offenders will be hauled up before magistrates and the natural tendency of magistrates will be to punish the unfortunate offenders in a deterrent manner, and these magistrates will as usual inflict heavy punishments on these offenders. It might be that the maximum amount that is prescribed will be the ordinary fine that will be levied on these unfortunate offenders. As I have already stated, this Bill will create a good deal of hardship. If anyone scans the schedules where the penalties are prescribed, one will notice instances like the following:—

' Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land.	One hundred rupees. "
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" This is a matter of ordinary daily occurrence and hereafter under this Bill it is going to be a very serious offence involving a fine of Rs. 100. Such cases are bound to occur and if the offenders are going to be hauled up before a magistrate, they will have to be fined very heavily according to the schedule. I therefore propose that a considerable reduction should be made in the penalties for breaches of the provisions of this Act, as I have indicated in the amendment. I believe, Sir, this will be enough to start with. After the Bill has been in force for a sufficiently long time, if it is then found that people commit offences against the provisions of the Act with full knowledge of the provisions of the Act, I can understand the Government coming forward and asking for increasing the penalties prescribed. But to start with, when the Bill is going to be enforced for the first time, I believe, Sir, the fines must be smaller and not as heavy as they are in the schedule.

" The Hon. Minister may, in answer to my suggestion, say that such penalties have always been found in such Acts, that they will not be always imposed and that they are there simply to create a sort of terror in the minds of the people. But I ask, Sir, 'Why should we perpetuate that sort of folly?' It is not necessary that our people should be fed upon false notions and made to believe that those penalties are there only nominally and that they would not be enforced. I do not think that any good Government, any Government which is based on just principles, should keep people under false notions. I think they ought to realize that if they commit offences they will be punished."

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MR. SPEAKER:—" Does the hon. Member suggest that the minimum punishment should be prescribed always and there should be no option to the magistrates to give less punishment than the punishment prescribed? "

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I do not mean to say that the minimum should be prescribed. I want that the maximum should be prescribed."

MR. SPEAKER:—" The Government also have fixed the maximum."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" I am reducing the maximum."

MR. SPEAKER:—" The hon. Member thinks that the maximum punishment will always be given by the magistrates."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" It depends on the magistrates. There are many magistrates who believe in giving very deterrent punishment. After all human minds differ, human inclinations differ and the whole thing depends on the temperament of the magistrates, and many other circumstances."

MR. SPEAKER:—" It depends on the nature of all these things."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" It certainly depends on the nature of the offence, the nature of the magistrate, the nature of the atmosphere, the nature of the weather, the nature of the prosecuting inspector and so on."

The amendment was duly seconded.

MR. SPEAKER:—" What does the Hon. Minister say? "

* THE HON. DR. T. S. S. RAJAN:—" Sir, the idea is not to raise any revenue from these penalties. The idea is only to enforce the provisions of the law and a magistrate can give any punishment he likes. What is mentioned here is only the maximum and I really cannot understand . . ."

MR. SPEAKER:—" I think the suggestion of the hon. Member can be considered by the tribunals."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Thank you, Sir. I withdraw the amendment."

The amendment was by leave withdrawn.

Schedule I.

* THE HON. DR. T. S. S. RAJAN:—" I beg to move the following amendment:—

' In the entry relating to section 33 in column (3), after the word " occupation " insert the words " of new building " . "

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The amendment was put and carried.

* THE HON. DR. T. S. S. RAJAN:—"I beg to move the following amendment:—

'In the entry relating to section 51 (3) in column (3), for the word "Failing" substitute "Failure".'

The amendment was put and carried.

* THE HON. DR. T. S. S. RAJAN:—"I beg to move the following amendment:—

'In the entries relating to section 60 in column (2), omit the figure and brackets "(1)".'

The amendment was put and carried.

* THE HON. DR. T. S. S. RAJAN:—"I beg to move the following amendment:—

'In the entry relating to section 72 in column (3), for the words "infected house" substitute the words "infected premises".'

The amendment was put and carried.

* THE HON. DR. T. S. S. RAJAN:—"I beg to move the following amendment:—

'In the entry relating to section 75 in column (3), for the word "notice" substitute the word "order".'

The amendment was put and carried.

* THE HON. DR. T. S. S. RAJAN:—"I beg to move the following amendment:—

'In the entry relating to section 87 in column (2), insert the figure and brackets "(1)".'

The amendment was put and carried.

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I beg to move the following amendments:—

'As against section 96, for "two hundred rupees," substitute "one hundred rupees."'

'As against section 109, for "one hundred rupees," substitute "fifty rupees."'

'As against section 110, for "one hundred rupees," substitute "fifty rupees."'

"Sir, under section 96, failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as a dwelling house, may be visited with a fine of Rs. 200. It is a very, very heavy sum and it must be reduced. So I propose that it should be reduced to Rs. 100. Again under section 109, selling, etc., unsound meat or food through others may be visited with a fine of Rs. 100. It is also too much and

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should be reduced to Rs. 50. Again under section 110, consuming the flesh of any animal which has died of natural causes or of disease may be visited with a fine of Rs. 100. This also has to be reduced to Rs. 50."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I cannot accept the amendment, Sir."

MR. SPEAKER:—"Does the hon. Mover press the amendment?"

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Yes, Sir,

The amendment was put and lost.

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

'In the entry relating to section 110, in column (3), omit the words "or of disease" occurring at the end.'"

5-15 p.m.

The amendment was put and carried.

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

'In the entries relating to sections 120, 125 and 126, for "120" "125" and "126" in column (1), substitute "119" "124" and "125" respectively.'

The amendment was put and carried.

Schedule I as amended was put and carried.

Schedule II.

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

'In the entry relating to section 38, in column (3), omit the words "or latrine" occurring at the end.'

The amendment was put and carried.

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

'After the entry relating to section 59, insert the following entries, namely:—

"(60) (a) Infected persons carrying on Ten rupees. trade in articles of food.

(b) Infected persons engaging in other Ten rupees."'

The amendment was put and carried.

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

'Omit the entries relating to section 68.'

The amendment was put and carried.

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

'In the entry relating to section 72, in column (3), for the words "an infected house" substitute the words "infected premises".'

The amendment was put and carried.

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

'In the entry relating to section 96, in column (3), for the word "inhabitation" substitute "habitation".'

The amendment was put and carried.

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

'In the entries relating to sections 125 and 126 for "125" and "126" in column (1) substitute "124" and "125" respectively.'

The amendment was put and carried.

Schedule II as amended was put and carried.

Clause 76.

MR. SPEAKER:—"We come to clause 76."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"On a point of order, Sir. May I submit that this hon. House has passed Chapter VII as a whole?"

MR. SPEAKER:—"With the exception of clause 76."

* SRI V. VENKATASUBBAYYA:—"Sir, I move the amendment standing in my name:—

'Sub-clause (2) (b).

1. After the word "compulsory" add the words, figure and brackets "subject to the provisions of sub-section (3)".

'New sub-clause (3).

2. Renumber sub-clauses (3) and (4) as sub-clauses (4) and (5) respectively, and insert the following as sub-clause (3):—

"(3) (a) If any person who or whose child is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (b) of sub-section (2) declares before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of his child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to

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isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (b) and no exemption shall be granted to any person who has been so convicted.

(b) Any person who commits a breach of any undertaking given by him under clause (a) shall be punished with imprisonment which may extend to three months, or with fine, or with both."

"Hon. Members will see that the exemption sought to be obtained is fettered with so many restrictions and conditions. This is an exemption from compulsory vaccination and inoculation sought to be imposed upon persons in infected areas. The clause as drafted seeks to take more powers than are already existing in respect of vaccination and inoculation. The clause enables local authorities to subject to inoculation and vaccination, persons who have already been vaccinated once, twice, half a dozen times or even more. There may be many persons in such areas who conscientiously feel that it will be injurious to them or to their children to be vaccinated or inoculated several times. The fear may be right or wrong. But the opinion is so strong and the fear is so great that it will justify the persons to go to a magistrate and ask for exemption. There is strong feeling on the question of even primary vaccination and inoculation. There is a vast difference of opinion even among medical men. Vaccination and inoculation of persons not once or twice but any number of times as the present Health Bill seeks to do, are subject to some objection at least. Therefore, all that I seek by this amendment is to get exemption to certain persons who really feel that vaccination and inoculation, instead of benefiting them, are sure to injure them; they feel that they will bring about the same disease which inoculation or vaccination is intended to prevent. To protect such persons is what I seek by this amendment. Since the restrictions are very many, and in view of the safeguards that I have introduced, there would be absolutely no abuse of the exemption and therefore nobody will object to the exemption that I ask for. I hope that every one of the hon. Members would accept the amendment."

The amendment was duly seconded.

* THE HON. DR. T. S. S. RAJAN:—"I accept the amendment as moved by Mr. Venkatasubbayya. I am satisfied that the Government can control the infection, even in spite of conscientious objectors. The idea is not to prosecute anybody who holds honest and conscientious objections. The idea here is to prevent the infection from spreading, so that people might be protected on a large scale. If conscientious objectors would allow themselves to be under the

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control and restrictions imposed by the Collector, I do not see really anything objectionable about it. But there was this chance of the whole thing being carried to an absurdity, if anybody and everybody should object. We have worded the amendment in such a way that it may not be possible for any man to stand up and say that he has conscientious objections, simply to evade the law or to cheat the Government. We have specifically laid down that a person should go to the magistrate and the magistrate will see that the person is capable of keeping himself under the restrictions imposed in this amendment, the magistrate will also satisfy himself with the help of the Health Officer that the person concerned would be completely isolated. If the choice is given to me, I would certainly get myself vaccinated, instead of being isolated. But, if there are conscientious objectors, they would be exempted; if they want to be given the liberty, we are prepared to do so, on such conditions as would be imposed on them. Therefore I accept the amendment."

* SRI T. T. KRISHNAMACHARIAR:—"Mr. Speaker, I oppose the amendment moved by the hon. Member, Mr. Venkatasubbayya. I might say I am not wholly convinced that, in spite of the drafting ability that is brought to bear on this particular amendment, it is still not fraught with mischief. The Hon. Mover of the Bill, in agreeing to give his support to this amendment—I expect half-heartedly—has not carried conviction to us. He has suggested that he is serious in his belief in the provision for people to be isolated and that by that method infection can be prevented. How is it humanly possible? Is it charitable to allow people to shut themselves away from contact with the outside world, to arrange people in self-imposed solitary confinement? Why should anybody be privileged to do so?"

MR. SPEAKER:—"The restrictions that might be imposed, might not be so rigorous as the hon. Member imagines."

* SRI T. T. KRISHNAMACHARIAR:—"The amendment is all the same mischievous and it ought not to be permitted to be passed. It is very good that the Government should recognize the claim of the conscientious objector. It does credit to the qualities of heart of the Government Members concerned. But this idea of vaccination and inoculation is so much entwined with by the Allopathic system on which this Public Health Bill is based. If that is so, there could be no conscience clause in the matter of health. There is no such clause in the English Public Health Act . . ."

MR. SPEAKER:—"There is a conscience clause in the Public Health Act of England."

* SRI T. T. KRISHNAMACHARIAR:—"None to my knowledge."

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MR. SPEAKER:—"What does the Hon. Dr. Rajan say?"

* THE HON. DR. T. S. S. RAJAN:—"There is."

MR. SPEAKER:—"No further argument on that point arises."

* SRI T. T. KRISHNAMACHARIAR:—"English Law may be one thing; Indian Law has to be different, as, in this country, the conscience clause will be exploited in every possible manner."

"And certainly, Sir, there is this difficulty. A person goes⁵⁻³⁰ to a magistrate and the magistrate has to decide. And what is he going to decide? If a man gets a medical certificate from a doctor that it will be injurious to his health to be inoculated or vaccinated, dare the Health Officer or anybody who has to do the vaccination or inoculation persist in vaccinating or inoculating him? But what is the good of any magistrate giving a decision in this matter? The proper man to decide the issue is a medical officer. The medical officer will say whether it will or will not be injurious—and that is where the conscience clause comes in. This point has not been made explicit in the Bill. If you are going to allow the conscience clause to come in in a country like this, where it is already going to be so difficult to enforce the provisions of this Bill, the Health Bill which this House has taken so much time and trouble to bring to this stage may as well be given up altogether. Inoculation and vaccination, in my opinion, seem to be the cardinal features in maintaining public health against attacks of smallpox and cholera. These are the two dire diseases that are prevailing in this country almost every day; and I think the acceptance of this amendment—which might do credit to the heart of the members on the Treasury Bench—is entirely unwise. It cuts at the very root of this Public Health Bill, and I therefore oppose the amendment strongly."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"May I be permitted just to add a word to the remarks made by my hon. Friend, Mr. Krishnamachariar? These exemptions have a very unhappy tendency to grow. An exemption in one case in a village or a taluk will certainly multiply the exemptions as a matter of course. I would therefore on that ground be very chary of granting exemptions of this kind from the provisions of this Bill. Not only that, Sir; it is not merely a question of the person concerned; it is more a question affecting the general public. So far as the infected person is concerned, he may probably isolate himself and take the necessary steps; but then it is the general public that is thrown open to infection. It is not so much a particular individual that we are concerned with here; it is in the interests of the health of the general public

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that inoculation or vaccination which has been proved to be so effective a protection against infectious diseases, should be done; and it is that protection which is sought to be taken away by this amendment. We all know, Sir, from actual experience that for a number of years, vaccination and inoculation have been in force; and they have conferred immunity on the people so inoculated or vaccinated; even when persons who had been vaccinated or inoculated are affected by infectious diseases, we know that the attack is always mild. I need not say all this to the Hon. the Minister as he knows all this much better than I do. And knowing all this, to grant exemptions so easily as suggested in this amendment, would be detrimental to the interests of the health of the public. I therefore strongly oppose the amendment moved by my friend Mr. Venkatasubbayya and accepted by the Hon. the Mover of the Bill."

* SRI D. V. RAMASWAMI:—"I rise to support the amendment that has been moved by my friend Mr. Venkatasubbayya. In doing so, I would particularly request the attention of the House to my personal experience in this matter. I am speaking with an amount of conviction which would be possible only to those who are observing an anti-drug policy in daily life. I am one of those, perhaps few people, who, for the last 24 years, have not taken any kind of medicine, Indian or foreign. I must say that in countries of the West where they have accepted the conscience clause, they have nothing other than the Allopathic system of medicine to depend on; they have neither the Ayurvedic nor the Unani or any other system there. In India, we have fortunately several systems co-operating with one other, each patient choosing a system of medicine in which he has faith, either by custom, experience, conviction or tradition. I submit if we have this in mind, we can find in many parts of India persons who by choice of their own, either in their individual life or in their collective family life, have been leading a drugless life and have been able to withstand the ravages of many periodical epidemics. I am sure the Hon. the Minister for Public Health will be good enough to appreciate and not only give a sort of qualified approval to such a system, but in future he will be more enthusiastic in giving greater consideration to people of my stamp. I am not making a personal appeal; I know there are at least a thousand such instances even in my own Andhra province where whole families have been able to keep up their health and the health of their wives and children without resorting to vaccination or any kind of drugs in order to protect themselves from smallpox or any other infectious diseases.

"Another submission that I want to make is this: particularly in the urban areas, people have been told that in the case of smallpox there is no option but to undergo vaccination,

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if they want to be protected, just as we are made to understand that there is no option, in respect of malarial attack, but to take quinine as a sort of protection. To my mind, both of them are superstitions.

"I do not want to take up any more of the time of the House by quoting chapter and verse, by giving actual instances—which are too many—in support of my contention; it is enough for me to earnestly appeal to my friends on the other side who have opposed this amendment to give sympathetic consideration to the feelings of persons who are living a life which is itself a proof of the non-necessity for injecting vaccines and other medicines into the human body although they may be considered by others to be harmless and non-deleterious to health.

"Add to it the other human consideration which Mr. Venkatasubbayya referred to on another occasion, viz., that the use of smallpox vaccine may be accepted in places where there is no philosophy such as we have in this country. Sir, we in India respect the cow as really next to our own mothers. I am sure this argument also will receive the consideration that it deserves and that we will not at any rate be compelled by legislation to be obliged or constrained to get ourselves—I mean those who do not believe in it—vaccinated or inoculated. I strongly support the amendment and request the House to accept it, as it has been already accepted by the Hon. the Minister for Public Health."

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, I find a sudden change in the attitude of the Government with regard to the vaccination and inoculation clause. It was only the other day that the Hon. the Minister denouncing the system of Naturopathy observed that the cure of certain dangerous diseases could not be left to Nature's cure without their becoming a danger to public health. Having been made to understand that dangerous diseases such as smallpox, cholera and the like should not be left for Nature cure and ordinary treatment, it is now difficult for us to believe in another theory, viz., that inoculation and vaccination need not be resorted to in all cases. Personally, Sir, it is really difficult for me to understand the reason for this change in the attitude of the Government. I do not know whether this change is the result of conviction on the part of the Government; or whether it is due to a suggestion from an outside agency. Anyway, I do not want to dilate further on that point.

"I stand here to express my own surprise in the matter and nothing else. I am really at a loss to understand how a thing can be good for some people and bad for others. If vaccination or inoculation is a good thing, enforce it on all; why make it applicable to some and not applicable to others? If, on the

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other hand, the Government do not think that inoculation or vaccination does not protect against cholera or smallpox, then do away with it and don't include any clause about it in this Bill. What is the purpose served by a vaccination clause when the following clause is readily available for exemption? May be opinion is divided on this question. After all, one section of the people may think inoculation and vaccination to be a good thing, while another section may think otherwise. Just because there is a difference of opinion a change in an important matter need not be made. I think it is up to the Government even now to reconsider the position and accept the clause as it is in the Bill. Or, if they still think that this conscience clause should be inserted, then the best thing will be to drop out all provisions relating to vaccination or inoculation. I strongly oppose the amendment before the House."

* MR. W. K. M. LANGLEY:—"Mr. Speaker, I am afraid I cannot claim the distinction of the previous speaker who said that he has had no illness and no dose for the last twenty-five years. If he is so pure as all that, I do not think he has anything to fear either from smallpox or vaccination or anything else. In fact, the question would probably never arise in his case. But what does surprise me is that anybody feeling as strongly as did my hon. Friend, should have anything whatsoever to do with what he should regard as the unclean thing, in the shape of an amendment which not merely provides for vaccination but also provides, in a curious roundabout sort of way, for means of evading it, and by means which to my mind are—I shall not say dishonest, for that might be unparliamentary, but—distinctly dialectical. Now it certainly surprised me that in fact there was no such provision made in the Bill as it originally appeared before us and that the Hon. the Minister for Public Health—who, I have not the slightest doubt, believes thoroughly in vaccination and does not really believe in isolation or anything of the kind—should have managed to get the Bill through in the form in which it has been brought before us. Consequently, as I say, it was no surprise to me in any way that an amendment should in due course appear before us providing for exemption for conscientious objectors. I must say that of the two amendments that have been circulated, I infinitely prefer the amendment which was originally brought forward by my hon. Friend, Mr. Venkatasubbayya, as amendment No. 226 on the printed list. That in a way provides for an ordinary simple declaration before a magistrate that he believes—it does not matter how he believes—that vaccination or inoculation might be injurious to himself or to his child.

"But as it is, we have now, this compromise amendment; and before I discuss it, I would like really to know how this compromise originated. We saw strange movements on the front Treasury

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Bench; and, in fact, at one stage, I noticed my hon. Friend Mr. Venkatasubbayya was apparently usurping the position of the Hon. the Leader of this House, and I was even then tempted to make a strong protest. I do not believe that anybody else is entitled to make use of that microphone except the Hon. the Leader of the House. After that attempt to bring forward amendment No. 226, we were suddenly faced with this compromise amendment which had been hatched on the Treasury Bench. I strongly suspect that that amendment is a compromise amendment, following on a secret party meeting which took place probably before the opening of this session. I will not probe into the secrets of the Congress party meeting; but had nothing been discussed at that meeting in connexion with the question of conscientious objection to vaccination, I should be extremely surprised. I suspect that this cleverly worded amendment which has been so suddenly put before us, was not evolved out of the brain even of the Hon. the Prime Minister on the spot, but represents compromise which had been previously discussed very thoroughly, by my hon. Friends opposite throughout this week. For arriving at this compromise amendment, I congratulate the Hon. the Premier on having managed to keep the party together once more. Let us hope it will continue.

"Now, Sir, regarding this particular amendment, I personally object to it very strongly, not so much because it deals with the conscientious objector—that is of course inevitable—but because to my mind, the amendment as worded is going to be class legislation of the very worst description. In the first instance, how is it possible for some poverty-stricken individual in this country, who has nobody to speak on his behalf, to go before a magistrate and say he has thoroughly enquired into the subject and has come to the conclusion that he should be exempted? It is really just because he fears it; that is really the attitude of the conscientious objector, I think. The gentleman I referred to just now showed genuinely that he understood the subject, though he does not believe in the practice of medicine of any kind, and has good reasons so far as he is concerned for objecting to vaccination. But take the majority of the poor people who will object to vaccination; or having studied the subject so thoroughly as the gentleman that spoke before me, simply object to vaccination as such. From what I have seen of some vaccination as done in this country I am not altogether surprised that some people should fear it; but nevertheless it is accepted as a safeguard. The only way in which anybody can exempt himself from vaccination is by the system laid down in this particular amendment, and what has a man got to do? A clever man, or a man who can get somebody or pay somebody who can speak for him before a magistrate can go along and say that as a result of a careful enquiry of the subject he believes that such vaccination or inoculation will be injurious to his health, and

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so he shall be exempted. That is all very well. But how is it possible for a poor cooly to go along and say to a magistrate that he has made the most careful enquiry of the subject and thoroughly understands it, and so forth, and therefore claims that he or his child should be exempt from vaccination? Will he get the magistrate to accept his statement? No likelihood whatsoever and he will not give him exemption from vaccination; whereas his rich neighbour can go along and get this exemption. That is what I call class legislation and that is what I object to in this particular amendment.

“Then, as regards the alternative, what surprises me is that it seems to have the approval of the Hon. the Health Minister. The alternative is well known; everybody in England knows about the alternative of isolation. I would like the Health Minister to tell the House something more about the question of isolation and I hope he will do it before this debate is concluded. Now, the only town in England as far as I am aware where isolation had been regularly practised for many years past, is a town close to which I myself was born, that is, the town of Leicester. Leicester is the famous instance of the practice of isolation as a safeguard against smallpox and as a substitute for vaccination. Of course, I speak subject to correction and I hope the Hon. Minister will correct me if I am wrong. My recollection is of my own father saying that if this system of isolation should be really tested the state of the city of Leicester would be infinitesimally worse than anything that could be imagined. I am thankful, it has not got hold of England, where the system of vaccination has been going on for a very long time. I believe I am correct in stating that when there was an outbreak of smallpox in Leicester, it was found practically impossible to deal with it satisfactorily with the system of isolation and I believe that now Leicester has adopted the same system as every other town in England and takes very good care that everybody except the conscientious objectors shall be vaccinated; in fact, every English child is vaccinated very soon after birth; and after that anybody who travels about the world is provided for by the regulations of the ports and the steamship companies. Consequently, I do not believe vaccination is any great hardship at all.

“Coming back to the point of isolation, I understand that at present vaccination is more or less adopted as the universal system and since isolation has, as far as I know, been proved to be unsatisfactory, I confess I cannot see how it can be carried out in a country like this in any satisfactory way. I hope we shall have some explanation on this point from the Hon. the Health Minister. In the morning while coming to Madras from the West Coast one sees a place along the railway line which is presumably intended

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for the purpose of isolation, but how far it could be used in the event of the outbreak of an epidemic in the City of Madras, I am extremely doubtful. I maintain, therefore, that this system of isolation would not work; that the arrangement whereby people have to make a declaration if they want to avoid vaccination and accept isolation as an alternative, is class legislation which will tell harshly on the poor people and which will favour the rich and even the system of isolation will be inconveniencing the poorer people. I, therefore, feel that this amendment should be opposed.”

* THE HON. SRI C. RAJAGOPALACHARIAR:—“Sir, an explanation is necessary, as very serious charges have been made with reference to the origin of this amendment. The hon. Member who spoke last said that he would be very much surprised if he were told that this was not hatched as a compromise in a secret party meeting some time ago. I am sorry I have to give him that surprise, namely, that this was not hatched at any secret party meeting; nor was this subject considered important enough to have been discussed at any party meeting, secret or otherwise. In fact I may strengthen my plea in this respect by adding that even now I gave ocular demonstration of being extremely unready with the amendment and I had to take time from you, Sir, to get it typed and roneoed for the benefit of Members. But I do not know whether I am answering a mere humorous remark or a serious suspicion. Even otherwise there is nothing very wrong in the front bench taking into consideration objections raised from any part of the House and I do not think that the hon. Member who spoke last has not had occasions of a similar kind when my brain, adequate or otherwise, has been tapped in order to produce compromises on serious occasions of not exactly similar nature, but analogous and allied circumstances.

“I think that the conscientious objector has a right to be heard, and therefore, the Government have a right of taking into account his objection and providing facilities for working out those objections. It is quite true that this looks cumbersome and clumsy, but certainly it is not class legislation. I think the hon. Member who spoke last has the class idea too much in his brain. It is excusable because we are suffering a little too much from this class idea and it is excusable when it comes in irrelevantly also sometimes. I would like to know what class legislation there is in this amendment. If I understood the hon. Member aright, it was based on a reasoning somewhat like this: that anything to do with special people will have something to do with particular men and particular classes or groups, and magistrates who have no defence here, may always be suspected of going wrong, of being partial, of being unjudicial and favouring one class as against another. Except for an argument

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like this, I do not see any reason or ground for imagining that this is any class legislation. For instance, if we are providing that defence counsel may appear in health prosecutions, it would mean on similar argument, that a person who could afford to employ pleaders and lawyers, who can take adjournments and come and argue over and over again, will not be convicted; hence it is class legislation. In that way there will be no end to the charge that the man who could afford to put in his case before the courts will have an advantage and the man who cannot afford it will be at a disadvantage. I admit it. In fact that is an essential bane on modern life and modern systems of procedure and we cannot help it.

"But, I want hon. Members who spoke as if the Government in accepting this amended form of the conscientious objector's claim have done something wrong and unworthy, to analyse the position a little more correctly. I may at once say that my argument has not been spoiled, that my grasp of the question has not been spoiled by any bias in this matter in favour of the conscientious objector. I myself believe thoroughly in inoculation and in vaccination. (Hear, hear.) I myself would use all the persuasive power in me to take the conscientious objector aside and make him agree to vaccination and inoculation. In fact, I may inform hon. Members who spoke on this amendment, that not only am I of this temperament, but I have actually done and succeeded in converting very strong conscientious objectors on this matter to go and get their children vaccinated. I may mention for the information of hon. Members, that I did it even last week. So, my acceptance of this amendment on behalf of the Government is not because we happened personally to be conscientious objectors all this time, but I want hon. Members to follow me in an analysis which I am going to place before them.

"Supposing we had not this clause, what follows? Does the law give the power to the Health Inspector or to the Police Inspector to catch hold of a man and take him to a surgeon and have him inoculated or vaccinated? Hon. Members would be in a delusion if they imagined it. There is no law which empowers an assault of that kind. The only law that we propose to enact, if this amendment were accepted, is that the Government should make rules first of all as to the penalty and then punish the man who refused to be inoculated or vaccinated with imprisonment or fine within the limits to be imposed by this law if it is passed into law. Hon. Members will see that the only provision which backs compulsory vaccination is section 132, and that provision says that you can make a rule and provide that a breach of such rule may be punishable with fine or with imprisonment or with both. There is no power juridically to go and inoculate or vaccinate a person. You are only reducing the position to this: That

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a conscientious objector may go through it by a process of civil disobedience or he can go through it by going before a magistrate and making the required declaration. This is the analysis which makes friends to imagine that the law is something and something else is sought to be done. This compromise has been accepted because it places the thing on a better footing than it would have been without this amendment. If a man wants to be a conscientious objector, he has to go before the magistrate and state his case, whereupon the magistrate will issue notice to the Health Officer and after hearing him will issue the exemption on certain conditions. The compromise lies in the fact that the conscientious objector has to go before the magistrate and put his case. If friends understand the limitations of juridical persuasion and understand the terms of this Bill, they would not be surprised at the Government accepting this amendment; on the contrary, they would have been surprised if the Government were to reject this amendment."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"It should apply to all the provisions of the Act."

* M. AHMED BATCHA SAHIB BAHADUR:—"My hon. Friend, Mr. Langley, said something about the compromise resolution having been arrived probably at a secret party meeting. It might have been so or it might have been said in suspicion. But I am led to suspect that there must have been some consultation because this was not a new point. I was also a member of the Select Committee and there the very same question was brought up and one of the members of the Committee was really very earnest in discussing this point and some pamphlets and literature on the question of conscientious objectors were also placed before the Committee. In the Select Committee, if I may be permitted to refer to the discussions that we had there, the Hon. the Prime Minister said . . ."

MR. SPEAKER:—"I think the details of the discussion may be avoided."

* M. AHMED BATCHA SAHIB BAHADUR:—"I am not referring to the details; my purpose is only to point out how this is inconsistent with the position then taken up and how that leads me to the conclusion that this must have been a last-hour compromise."

MR. SPEAKER:—"Does the hon. Member mean to suggest that it is wrong to have last-hour compromises? I do not think that this is the issue here."

* M. AHMED BATCHA SAHIB BAHADUR:—"The argument raised here has not been met even after . . ."

MR. SPEAKER:—"Is it necessary to meet it? Supposing there was a compromise, is that to be discussed here?"

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* M. AHMED BATCHA SAHIB BAHADUR:—"The point raised was purely from a scientific point of view. The whole thing was discussed on a different footing. But here, what I am concerned with is that whatever may be brought upon this point, it should have a bearing to this question at issue, namely, public health."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I have a word to say in explanation. The hon. Member has been saying something which indicates impropriety or irregularity of some kind in this matter. The hon. Member seems to say that he believes that this is a last-minute compromise. That was exactly what I have been saying before in reply to the previous speakers. The previous speaker said that it had been secretly agreed some substantial time back and I took the trouble of telling him that it was not so, and that it was a last-minute compromise, so much so that I was not even ready with the draft. Because of that apparently the hon. Member who is just now in possession of the House finds fault with the last-minute compromise. May I assure the hon. Gentleman that there is nothing wrong in it and as a personal explanation I may state even now, as I have stated before, that I am of the view that it is not good to encourage this thing. If I waited, I waited to see if the objection would not be withdrawn and because it was not withdrawn till the last minute, I am compelled to agree to something which is reasonable."

* M. AHMED BATCHA SAHIB BAHADUR:—"When the same question was raised just now by a previous speaker who spoke in opposition to this amendment, you asked him whether there was a conscience clause in the English legislation. When a similar point was raised before this House, it was pointed out by the Hon. the Premier himself that it was not possible in England or in Europe to point out instances of smallpox or cholera or any such epidemics. It would not be one in a thousand or five thousand of what obtains here. Here we have hundreds of thousands of such attacks and the epidemic violently breaks out periodically calling forth all the energy and resources of the Government and the local authorities to combat it. So the two countries cannot be compared with each other and the conscience clause could not apply here. That was the definite answer given by the Premier and I myself was disposed at the time to support the view of the other gentleman who was pressing for the conscience clause. It is not that I am for it, but I am pointing out to you that the question of the conscience clause would not be applicable to a country like ours which is periodically subject to the ravages of epidemics. It was also pointed out during the general discussion by the Hon. Minister for Public Health that it was this school of thought that was a great danger to the

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public health of the country by forming the weak links in the society who afford a jumping off ground for epidemic diseases. Just a few days ago during the general discussion of this Bill they were a danger to the public health of the country but now they are the safety valve to public health. Therefore, I submit that there is some solid reason for us to suppose that there has been some secret compromise, some secret understanding in regard to this matter between those that had given expression to such views some days before and the supporters of the conscience clause. The same thing has been discussed over and over again and it indeed is a surprise that this thing should come in at this stage.

"As regards the amendment itself, I do not see how this could be worked in practice. The conscientious objector has to go before the magistrate and declare that as a result of careful enquiry into the subject he believes that it is dangerous to himself and his children to get themselves inoculated or vaccinated. The magistrate thereafter sends a notice to the Health Officer and what is to be decided? Who is it that is to decide the matter? Who is to decide whether what he considers to be a careful enquiry is reasonable or not? Who is to say whether the enquiry is careful or not? He draws certain inferences; who is to say whether the inference could be reasonably drawn or not? These are so vague. We do not know whether the man who is appearing before the magistrate is to be convinced or the magistrate is to be convinced. In either case the position is so very anomalous and it is so very difficult to come to definite conclusions that it ought not to be incorporated in an amendment of this kind, for it will create loopholes and sharp differences of opinion and will lead to nothing but utter confusion in the administration of this section. I, therefore, oppose this amendment."

* SRI P. T. VENKATACHARIAR:—"Mr. Speaker, I beg to support the amendment so ably moved by my hon. Friend, Mr. Venkatasubbayya. Inoculation and vaccination are the two preventive methods discovered by the Allopathic system; but modern knowledge does not exhaust itself with Allopathy. There are other systems of treatment, like Hydropathy and Naturopathy, which if practised carefully, would produce as good results. People with good knowledge of these systems have practised these systems of treatment without drugging the system or introducing any foreign matter into our systems which ultimately poisons the system and creates other kinds of diseases which could not be easily eradicated. Science is developing day by day and some of the greatest doctors have written valuable books on the system of treatment based on not taking even a grain of medicine. I am referring to the wonderful book written by Dr. Lindlar of America; and I would respectfully request Mr. Langley, if he

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has got the time and leisure, to go through it and be convinced that it is possible to treat diseases without drugging the system. I, myself have taken the trouble to read some literature on the subject and I may tell you for your information that when I was attacked with the worst form of typhoid, it was not the Allopathic system that saved me. I was given up for lost; but through a system of treatment, Hydropathy, I was brought back to normal health and here I stand before you. Though it may not be palatable to refer to personal matters in connexion with a great matter before the Assembly, still I am constrained to refer to this because it lends support to the theory that many lives are lost by needless drugging than by treatment based upon correct understanding and root principles of treatment. To say that there is no other system of treatment except the ones that introduce large doses of poisons into the system, this serum or that serum which any way are foreign to our bodies, is not correct. There are several books on the subject and it only requires a careful study. All people cannot do it and it is not all people that can go before the doctor and make the declaration. Suppose there is smallpox in my town, unless I know some method of treatment, be it Naturopathy or some other system, which would give me knowledge as to how it can be prevented, I cannot say that I would not be vaccinated. It will be an untenable position for me to be ignorant of the preventive treatment and all the same refuse to be vaccinated. It is not this thing that the amendment proposes. If a man knows or has reason to believe that he can prevent it or even if attacked has certain chances of recovery with the knowledge at his disposal, it would be cruel on the part of any Government to say by means of a legislation that injection or inoculation ought to be made.

“I suppose, I have answered the points raised by my hon. Friend, Mr. Ahmed Batcha. Another case comes up to my mind just now. It was a case diphtheria of a very bad type. The patient was taken to a hospital at Bangalore, a very big hospital it was. The doctor gave it as his opinion that the boy would die if he were not injected with a certain serum at once. But unfortunately the doctor would not have the patience to examine the boy's blood and decide whether it was diphtheria or not. The gentleman in charge of the boy pointed out to him that outward symptoms are deceptive and that much reliance could not be placed on them unless supported by blood test and suggested that a microscopic examination might be made. But the doctor would have nothing of it and said that he was positive about it. After this, the gentleman gave him some hip-bath and followed it up with the drugless form of treatment and the result was astounding and the boy recovered. I have cited these instances to show to those who honestly believe that there is no other system than injection

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and inoculation and that the introduction of such matters is the only way to get relief, that there are other systems of treatment which, in addition to curing the disease in respect of which the treatment is undertaken, would not bring in other forms of disease. Drugging the body is the primary reason for the development and growth of disease. Even allopathic doctors will say that they can't say with certainty that vaccination does prevent smallpox. They will say that if after vaccination a child gets pneumonia, it is not as a result of vaccination, but due to other causes. Naturopathists believe that pneumonia and other diseases are the direct or indirect result of the introduction of some serum or other. Therefore these people do not believe in vaccination, and they are supported by some eminent doctors in the West. So Dr. Kuhne and others have evolved a system of cure without medicine.

“Sir, I congratulate the Government on accepting the amendment. I heartily support the amendment.”

* SRI D. RAMALINGA REDDIYAR:—“Sir, I rise not to make a speech on the subject now under discussion. I want only just to elicit a piece of information from the Hon. Minister for Public Health with regard to vaccination. I want to know whether the Government will still insist, after the passing of this so-called conscientious objectors' clause, on the production of vaccination certificates from persons who seek admission into educational institutions, arts and professional, or those who seek employment under the Government, or the army or those who want to travel overseas.”

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“On a point of information, Sir.”

MR. SPEAKER:—“The hon. Member has already spoken; how does he get another opportunity to speak?”

* K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“I do not wish to speak, Sir. On a point of information, Sir. As it is, the amendment runs thus: ‘If any person who or whose child is sought to be vaccinated . . .’ Does it include also a child in the case of a person even though it may not be his own child?”

* THE HON. DR. T. S. S. RAJAN:—“I accept the suggestion made by Mr. Abdur Rahman Khan which is to substitute for the words ‘or whose child’ the words ‘or a child in whose care,’ and which involve a consequential amendment, viz., to substitute for the words ‘his child’ the words ‘the child.’

“Sir, my attention was drawn to the fact that there is a whole county in England that is isolated, that does not believe in vaccination. I know the county very well; and I know the

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leader also; for he is associated with many other anti-movements. An hon. Member said, and I agree with him, that the theory has yet to be put to the test. When once smallpox is completely eradicated from the country and when the naturopathists have an effective preventive method, then the system of vaccination may be given up. England can do so; I agree. I for one have not changed my faith in vaccination. I believe in it fully; otherwise I would not have advocated it. But the fact was pointed out, that because I am the Public Health Minister I insisted on everybody being vaccinated. It is just because there is danger to the public in non-vaccination that I have taken all the precautions in the amendment now before the House. Here is a gentleman who never believes in medicine and who says nobody requires it, because he has found it to be unnecessary. For such people, a conscience clause is necessary in the Bill. The provision here made is that such people have to appear before a magistrate specially empowered by the Government in this behalf, and the magistrate under the advice of the Health Officer has to exempt such people from vaccination and also to declare as to how these people are to be effectively made less prone to infection or absolutely safe from infection. We have no preventive medicine by which we can successfully protect isolated people. Therefore certain rules will be issued under this clause, and the Collector will help the Government in framing those rules. I know the presence of this clause will put a greater strain on the public health staff during the time of epidemics. But we can't help it. Further, when we have pamphlets and leaflets pouring into this country from the West on this matter every day and also when the number of conscientious objectors in the country is growing, we cannot but have a provision of this kind in the Bill. No doubt, in the West also they have the conscience clause. But the present Act here provides for their appearing before a magistrate and the magistrate has to issue instructions in consultation with the Health Officer and all that. These things do not exist in the West. But we have found it necessary to have them, so that the law may not be abused by anybody.

"With regard to the production of vaccination certificates in connexion with admission to schools and colleges, army and the services and overseas travel and so on, I have to submit that those things are not covered by this Bill. Vaccination will still be compulsory, secondary vaccination will still be compulsory. Only in the case of certain persons and, even there, under certain conditions, has compulsory vaccination been done away with. I do not wish to remove vaccination as such; I do not wish to do away with secondary vaccination as such; all those clauses are there. As I said, only certain persons under certain conditions

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are not made to undergo vaccination. And even there, if they violate the conditions, they too will be vaccinated if necessary. So I do not find anything tremendously objectionable or fantastic in the amendment. I accept it."

The amendment as further amended by the Hon. Minister was put and carried.

Clause 76, as amended, was put and carried.

MR. SPEAKER:—"I think there are no other amendments. The Preamble can be put to the vote of the House."

* THE HON. DR. T. S. S. RAJAN:—"Sir, chapter I as amended may be put to the vote of the House."

MR. SPEAKER:—"It has already been put to vote and carried."

The Preamble was then put to vote and carried.

* THE HON. DR. T. S. S. RAJAN:—"Sir, as regards the third reading of the Bill, I have no objection to postpone it for a short time till all the amendments carried may be incorporated in the Bill. I am only anxious that the third reading should be over as early as possible so that I may be able to take the Bill to Upper House in time."

MR. SPEAKER:—"The Hon. Minister may move it even now."

* THE HON. DR. T. S. S. RAJAN:—"I move, Sir,—
'that the Bill as amended be passed into law.'"

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

The House then adjourned to meet again at 3 p.m. the next day.

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

Notification appended to G.O. No. 2944, Development, dated 26th November 1938, confirming certain amendment to rule XVII (f) of the rules issued under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932).

APPENDIX I.

[Vide answer to starred question No. 629 asked by Sri N. Annamalai Pillai at the meeting of the Legislative Assembly held on the 19th January 1939, page 239 supra.]

Translation of the complaint made by Govinda Reddi of Mel Puluthiyur to the Police on 24th November 1937.

To

The Sub-Inspector of Police, Tiruvannamalai Town.

The report given by Hari Govinda Reddi, son of Yerrayya Reddi of Mel Puluthiyur, Chengam taluk.

At about 12 noon on 22nd November 1937, I went to Tiruvannamalai Municipal Exhibition to exchange khaddar thread for cotton. That day I mortgaged jewels in the Imperial Bank, Tiruvannamalai, for Rs. 185 for purposes of trade. After deducting 4 annas for stamps, they gave me Rs. 184-12-0 as detailed below:—

	RS.	A.	P.
Five-rupee notes, 26	130	0	0
Rupee coins	54	0	0
Small coins	0	12	0

I placed them in a blue cloth money purse which I had with me and kept the purse in my shirt pocket and went to the Exhibition. The purse is $\frac{3}{4}$ foot long and $\frac{1}{2}$ foot broad. I went to Gopal Rao's Khaddar Stores in the Exhibition ground, tendered the thread, bought cotton and placed it on the plank. I had a one-anna coin in my pocket and to take it, I removed the purse first from my pocket and kept it with the cotton, took the one-anna coin, changed it for smaller coins and went out leaving both the cotton and the purse in the shop forgetfully. After going a little distance, I observed the absence of the purse from my pocket and returned to the stores as I had left it there. The purse was not found. The cotton alone was in the very place where I had kept it. Immediately, I enquired of the said shop-keeper Gopal Rao. He said that he did not see the purse. I am reporting this to you.

23rd November 1937.

(Signed) A. GOVINDA REDDI.

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APPENDIX II.

[Vide answer to starred question No. 635 asked by Sri K. Venkatappayya at the meeting of the Legislative Assembly held on 19th January 1939, page 247 supra.]

Statement showing the exports to foreign countries each year, during the last five years, of tobacco and groundnut from the ports of Masulipatam and Cocanada.

Ports.	1933-34.		1934-35.		1935-36.		1936-37.		1937-38.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Cocanada—										
Groundnuts	TONS.	RS.	TONS.	RS.	TONS.	RS.	TONS.	RS.	TONS.	RS.
	44,702	58,38,491	99,966	1,11,62,330	21,377	36,18,114	63,045	1,04,84,099	32,118	46,41,496
Tobacco	LB.		LB.		LB.		LB.		LB.	
	8,891,317	20,60,774	4,728,803	13,27,050	10,099,527	27,60,169	12,710,733	40,78,790	12,485,891	39,80,932
Masulipatam—										
Groundnuts	TONS.		TONS.		TONS.		TONS.		TONS.	
	55,666	72,81,438	30,617	37,57,260	44,447	70,80,355	156,861	2,55,84,881	110,441	1,50,91,865
Tobacco	LB.		..		..		..		..	
	124,976	13,880	..		..		..		..	

* Includes exports of lb. 200,528 — Rs. 56,040 to Burma during 1937-38. No exports of groundnuts to Burma during 1937-38.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 20th January 1939.

The House met at three of the clock in the Assembly Building, Chepauk, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Reasons for not opening spinning and weaving mills in the several jails in the Presidency on the model of the one in the Central Jail, Coimbatore.

* 639 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Law be pleased to state the reasons for Government not setting up similar mills in other jails seeing that the setting up of a large spinning and weaving mill in the Central Jail in Coimbatore resulted in yielding considerable profits?

THE HON. DR. P. SUBBARAYAN:—“ There is a woollen textile mill in the Central Jail, Bellary, also.

“ The establishment of large spinning and weaving factories involves numerous complicated financial and economic considerations, including heavy capital expenditure, questions of supply and demand, local conditions, and the presence of adequate trained staff; and the Government are not at present satisfied that the establishment of such mills in other jails is feasible or desirable. The general question of devising ways and means to develop jail industries and to make them yield more income is, however, under the consideration of the Government.”

SRI K. V. R. SWAMI:—“ Is it a fact, Sir, that the Coimbatore Mill is yielding a large profit? ”

THE HON. DR. P. SUBBARAYAN:—“ I do not know what the hon. Gentleman means by large profits; if he means profits, it is yielding profits.”

MR. W. K. M. LANGLEY:—“ May I ask the Hon. Minister Sir, whether it is the policy of the Government to make large profits out of the jail industries? ”

THE HON. DR. P. SUBBARAYAN:—“ It is not a question of making large profits; it is a question of making the industries pay their way in order that the Government may finance their own establishments.”

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MR. W. K. M. LANGLEY:—"Are the Government prepared to take into consideration the industrial establishments outside the jails so that the jail industries do not unduly interfere with private enterprise?"

THE HON. DR. P. SUBBARAYAN:—"It is the policy of the Government, Sir, not to interfere unduly with private enterprise outside jails."

SRI K. V. R. SWAMI:—"Will it be an interference with outside industries if these mills are started in other jails in the same way as in the Coimbatore Jail?"

THE HON. DR. P. SUBBARAYAN:—"If they are developed on a large scale there will certainly be interference."

SRI K. V. R. SWAMI:—"Are the Government aware that large quantities of textile goods are imported from Japan?"

THE HON. DR. P. SUBBARAYAN (apparently mishearing the question):—"We want to encourage handloom industries if possible."

SRI K. V. R. SWAMI:—"What I asked, Sir, was whether the Government were aware that large quantities of textile goods are imported from Japan."

THE HON. DR. P. SUBBARAYAN:—"When I said handloom industries, I meant handlooms in our country and outside."

SRI K. V. R. SWAMI:—"My submission was whether the Hon. Minister was aware that large quantities of piece-goods are being imported from Japan."

THE HON. DR. P. SUBBARAYAN:—"I am not officially aware of this."

SRI K. V. R. SWAMI:—"Will the Hon. Minister make enquiries about it?"

THE HON. DR. P. SUBBARAYAN:—"If the hon. Gentleman will put down a separate question over Japanese industries, I shall make a roving enquiry."

SRI D. V. RAMASWAMI:—"May I know, Sir, whether it is the policy of the Government, i.e., the present Government, to make jail industries self-supporting?"

THE HON. DR. P. SUBBARAYAN:—"That is so. I said so at the very beginning of my answer."

SRI V. VENKATASUBBAYYA:—"May I know, Sir, whether the textile mills in the Bellary Jail are also giving the same profits?"

THE HON. DR. P. SUBBARAYAN:—"It is a woollen textile mill which gives a small profit."

[20th January 1939]

Proposals for the abolition of certain civil courts in the Tanjore district.

* 640 Q.—SRI V. BHUVARAHAN: Will the Hon. the Minister for Law be pleased to state—

(a) whether the Government are considering the advisability of abolishing the Sub-Court at Tanjore and the Munsif's Court at Trivadi;

(b) whether the Government asked for the opinion of the Tanjore Bar in this matter; and

(c) whether the Government have considered the alternative of abolishing the District Court at Negapatam?

THE HON. DR. P. SUBBARAYAN:—" (a) The answer is in the affirmative.

" (b) The answer is in the negative. But District Judges were instructed to hear representatives of the Bar Associations concerned, before forwarding proposals for abolition of courts.

" (c) The question of abolishing the District Court, East Tanjore, and creating a sub-court in its place is now under the consideration of the Government."

SRI V. BHUVARAHAN:—"May I know, Sir, whether the Government asked for the opinion of the District Judge, West Tanjore, in the matter?"

THE HON. DR. P. SUBBARAYAN:—"Yes, Sir. The opinion of both the courts were invited in the matter."

SRI P. BUCHAPPA NAYUDU:—"What is the policy of the Government underlying the abolition of civil courts from time to time, Sir?"

THE HON. DR. P. SUBBARAYAN:—"The policy at present, Sir, is, because the filing of cases in most of the courts is going down, to have only courts that would be adequate to go on with the work before them."

SRI V. M. RAMASWAMI MUDALIYAR:—"What time are the Government likely to take in coming to a conclusion regarding abolition of certain civil courts in the Presidency? Will it be before the close of the financial year?"

THE HON. DR. P. SUBBARAYAN:—"The matter is being considered, Sir, as they occur."

Measures for relieving congestion in the Mental Hospital at Madras.

* 641 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Public Health be pleased to state with reference to the answer to question No. 220, dated 23rd September 1937—

(a) whether it is a fact that there is still much overcrowding in the Mental Hospital at Madras; and

(b) what further steps, if any, the Government are going to take in the matter?

[20th January 1939]

THE HON. DR. T. S. S. RAJAN:—“(a) & (b) The existing accommodation in the hospital is for 744 patients. When the scheme of extensions, now under execution, is completed, the total accommodation will be increased to 888. Further accommodation will still be required for over 600 patients. Proposals are awaited from the Superintendent of the Hospital.”

SRI G. KRISHNA RAO:—“May I know, whether for want of accommodation, certain cases of criminal insanity are being sent to jails where there are no adequate arrangements for treatment?”

THE HON. DR. T. S. S. RAJAN:—“As far as is known, the Government are not aware of it. But, if the hon. Member will put down a separate question I will call for the information.”

SRI G. KRISHNA RAO:—“May I know, Sir, whether the bulk of space available is occupied by incurable cases of insanity, and so curable cases do not find accommodation there?”

THE HON. DR. T. S. S. RAJAN:—“I thank the hon. Member for the information, Sir. But, as far as I know most of these insanity cases are not curable, and that is our difficulty.”

SRI G. KRISHNA RAO:—“May I know, Sir, if the Government's policy is to keep all these incurable cases indefinitely and go on increasing accommodation, indefinitely also?” (Laughter.)

THE HON. DR. T. S. S. RAJAN:—“The trouble is, Sir, that insanity seems to be disproportionately increasing in recent years and we cannot keep pace with it. (Laughter.) We find in spite of three lunatic asylums that are now in the Province, all of them are getting overcrowded year after year, especially during recent years.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask, Sir, whether the Government have found out the cause of insanity prevailing in the country?”

THE HON. DR. T. S. S. RAJAN:—“Sir, that does not arise out of this question.”

SRI V. VENKATASUBBAYYA:—“Is it the policy of the Government to send out all incurable cases even though they have no persons to take care of them?”

THE HON. DR. T. S. S. RAJAN:—“There is no policy in this matter. Surely, the Government are willing to take in such cases as may require treatment. That is the criterion for admission.”

SRI V. VENKATASUBBAYYA:—“I am referring to persons being sent away. In cases that are considered to be incurable, if there is nobody to take care of them, will it be proper for the Government to send them away?”

[20th January 1939]

THE HON. DR. T. S. S. RAJAN:—“I do not know what the hon. Member wants. We take in people who are insane and who require treatment, and as soon as they are cured, we send them away. That is all.”

DR. MUHAMMAD ABDUS SALAM:—“May I know, Sir, if there are any proposals for increasing the accommodation in the other two mental hospitals?”

THE HON. DR. T. S. S. RAJAN:—“No, Sir.”

SRI D. V. RAMASWAMI:—“May I know, from the Hon. Minister, Sir, whether in the proposed extension of the Mental Hospital in Madras there is any provision to take in the large surplus population from the Waltair Mental Hospital, as it is admittedly very much overcrowded?”

THE HON. DR. T. S. S. RAJAN:—“But, as it is, in spite of the increased accommodation that is now being provided for, we have still to provide for 600 patients even in Madras. Therefore, the other question does not arise.”

SRI G. RANGIAH NAYUDU:—“If there is no accommodation in the hospital at present, is there any arrangement made to take care of defective children?”

THE HON. DR. T. S. S. RAJAN:—“I think defective children are not lunatics.”

AN HON. MEMBER:—“They may be.”

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“May I know from the Hon. Minister whether there is any provision for the treatment of insanity by the naturopathic system in the mental hospital of our Province?”

THE HON. DR. T. S. S. RAJAN:—“Probably if the naturopathic system has been in vogue among a large number of people there may not be any lunacy at all.”

SRI G. RANGIAH NAYUDU:—“Is there sufficient space within the compound to increase the accommodation further?”

THE HON. DR. T. S. S. RAJAN:—“There is some space left in the hospital and I do not know whether that also could be filled up.”

Manufacture and import of textile goods.

* 642 Q.—**SRI K. V. R. SWAMI:** Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the quantity of cloth imported into this Province last year;

(b) the quantity manufactured in this Province by mills;

(c) the quantity made on handlooms; and

(d) what portion of it is khaddar?

[20th January 1939]

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“(a) The quantity imported by sea (foreign and coastwise) and by rail (both foreign and Indian production) was 270.96 million yards excluding fents.

“(b) 86.12 million yards.

“(c) 305.51 million yards.

“(d) About 1 per cent.”

SRI V. VENKATASUBBAYYA:—“May I know, Sir, whether hand-spinning and hand-weaving are introduced in all labour schools?”

SRI B. S. MURTI:—“In some schools hand-spinning and hand-weaving have already been introduced.”

Delay in the disposal of loan applications by the Co-operative Land Mortgage Bank at Kodavasal, Tanjore district.

* 643 Q.—SRI P. R. K. SARMA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether a Co-operative Land Mortgage Bank has been started at Kodavasal in Nannilam taluk, Tanjore district, and if so, when;

(b) whether Polagudi village is included under the Kodavasal Co-operative Land Mortgage Bank;

(c) what the number of loan applications received from the ryots of Polagudi village till now is;

(d) how many of those applications have been so far sanctioned and how many refused;

(e) what, on the average, is the length of time taken by the said Co-operative Land Mortgage Bank to sanction a loan; and

(f) whether the Government propose to take any measures for the speedy disposal of loan applications?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“(a) The answer is in the affirmative; the information has been called for.

“(b) The answer is in the affirmative.

“(c), (d) & (e) The information has been called for.

“(f) The Government have already impressed on the Registrar of Co-operative Societies the need for speedy disposal of loan applications.”

Proposal to locate the Kodavasal Co-operative Land Mortgage Bank at Nannilam.

* 644 Q.—SRI P. R. K. SARMA: Will the Hon. the Minister for Industries and Labour be pleased to state whether in the interests of easy approach Government intend to shift the Kodavasal Co-operative Land Mortgage Bank to Nannilam, the taluk headquarters?

[20th January 1939]

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“The Registrar of Co-operative Societies is considering the question of shifting the headquarters of the bank.”

Protest against the recital of the song “Janagana Mana” in the board schools in Malabar.

* 645 Q.—KHAN. BAHADUR P. M. ATTAKOYA THANGAL SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state—

(a) whether any order has been passed to recite the “Janagana Mana” song as a prayer in board schools in Malabar before the commencement of the day’s work;

(b) whether Government are aware of a general commotion among the Mappillas of Malabar over the above order by reason of its applicability to Mappilla schools also;

(c) whether the order in question was passed in consultation with the members of all religions and with their concurrence; and

(d) whether the President of the Malabar District Board had consulted the Director of Public Instruction before issuing the above order?

THE HON. SRI C. J. VARKEY:—“(a) An order was issued by the President of the Malabar District Board; but it has since been modified to exempt Mappilla schools, if Mappilla parents objected.

“(b) Protests have been received from some.

“(c) Not so far as the Government are aware.

“(d) The answer is in the negative.”

SRI E. KANNAN:—“May I know, Sir, from the Government whether they are aware that a substantial section of the Mappilla population of Malabar has no objection to the singing of this song in Mappilla schools?”

THE HON. SRI C. J. VARKEY:—“The presumption may be correct.”

SRI T. S. CHOKKALINGAM PILLAI:—“May I know, Sir, whether the song ‘Janagana Mana’ is a religious or a national song?”

THE HON. SRI C. J. VARKEY:—“The Government have no information on that subject.”

SRI V. VENKATASUBBAYYA:—“May I know, Sir, whether there is any reference in that song to any community or religion?”

THE HON. SRI C. J. VARKEY:—“It is a matter of opinion, whether it is a prayer or a song.”

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SRI P. R. K. SARMA:—" May I know, Sir, who is the author of that song?"

THE HON. SRI C. J. VARKEY:—" The great poet of our country, Rabindranath Tagore."

SRI P. R. K. SARMA:—" May I know, Sir, whether Rabindranath Tagore is considered to be a communal poet or religious poet?"

THE HON. SRI C. J. VARKEY:—" He is neither communal nor religious from this point of view."

Leave admissible to municipal commissioners not holding lien elsewhere.

* 646 Q.—MR. D. R. ISAAC: Will the Hon. the Minister for Local Administration be pleased to state the amount of leave which a commissioner of a municipality who does not possess a lien, earns in each year of service?

THE HON. SRI B. GOPALA REDDI:—" Officers who were subject to the leave rules in the Fundamental Rules on the date of their appointment as Commissioners will earn leave at the rate of one-eleventh of the period spent on duty while those who on such date were subject to the Madras Leave Rules, 1933, earn leave at the rate of one-twenty-second of the period spent on duty, provided that they shall cease to earn leave while they have to their credit such leave amounting to thirty days."

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

II.—GOVERNMENT BILLS.

3-15
p.m.

(1) THE MADRAS REGISTRATION OF BIRTHS AND DEATHS (AMENDMENT) BILL, 1939.

* THE HON. DR. T. S. S. RAJAN:—" Sir, I beg leave of the House to introduce a Bill * to amend the Madras Registration of Births and Deaths Act, 1899, for a certain purpose. It is a very small amendment. If you put the question I will say a few words."

MR. SPEAKER:—" On what, on leave for introduction?"

* THE HON. DR. T. S. S. RAJAN:—" Yes."

MR. SPEAKER:—" Leave for introduction is not necessary at all once a Bill is published in the Gazette. So the motion for consideration may be made."

* THE HON. DR. T. S. S. RAJAN:—" I introduce the Bill and move—

' that the Bill be taken into consideration at once.'

* Published in the *Fort St. George Gazette*, dated 20th December 1938.

[20th January 1939] [Dr. T. S. S. Rajan]

" In moving it I have simply to mention that only a very small amendment is what is proposed in this Bill. Till now the rule is that prosecutions with regard to lapses in regard to the registration of births and deaths was to be sanctioned by the Tahsildar of the taluk. But in very many places there are no Tahsildars, but only Deputy Tahsildars who are in charge of this work. Now, where there is not a Tahsildar empowered or not in charge, very often the permission has to be obtained from the Revenue Divisional Officer. The Revenue Divisional Officers are fewer in number than the Tahsildars. But if Deputy Tahsildars can do the same work, they can also be empowered to permit the prosecution of lapses under the Act. It is only an enabling Act giving power to the Deputy Tahsildars to give sanction for prosecution in regard to these lapses."

ABDUL HAMEED KHAN SALLIB BAHADUR:—" Mr. Speaker, Sir, I rise to oppose the motion for considering this Bill. I do so on certain established principles. Sir, according to the Statement of Objects and Reasons the Government in the past had only authorized Tahsildars to prosecute offenders under this Act. Now what the present Government propose to do is to reduce the status of the officer who will be vested with power to sanction prosecutions. Sir, that is certainly not a piece of permissive legislation, although my Hon. Friend, the Minister for Public Health, says that it is only a piece of enabling legislation. It seemed to him to be very simple. I know if he had given sufficient thought to the principle involved in the measure he certainly would not have spoken so carelessly about the importance of this measure. If the Hon. Minister had brought to bear on this measure the policy of his party, the opinion the Hon. Gentleman held and is expected to hold with regard to the way in which the people of this country should be treated, whether their prosecution should be made easy or difficult and whether it should or should not be restricted, this Bill would not have come here.

" Now my friend wants to enlarge the number of persons in this Province who may be empowered to sanction prosecution. Now there is no doubt about the difficulty that the Sub-divisional Officers are few and on that account it should take time for sanction of the prosecution. Why should the sanction for prosecution be made easy? No doubt the number of prosecutions might not have been as large as might hereafter be if this Bill is passed. I understand the registration of births and deaths is very important. But all the same, there might be a number of persons who might have infringed the provisions of the Act unwittingly and in such cases the Deputy Tahsildar is being empowered to sanction the prosecution. Again it is just possible that to-morrow the Government might come forward at the instance of the District Collector and say that the Deputy

[Abdul Hameed Khan Sahib Bahadur] . [20th January 1939]

Tahsildars are also unable to sanction sufficient number of prosecutions and therefore we should empower Revenue Inspectors to sanction prosecutions. Sir, this is not a progressive way of rescuing the people from the harassment of the department or the officers. On the other hand, what is sought to be increased is to increase and enlarge the machinery by which the people of this Province will be prosecuted and in very many cases harassed. I therefore very strongly oppose the motion on a very large principle involving the safety and liberty of the people of this Province."

THE HON. DR. T. S. S. RAJAN:—"Well, Sir, I have only just to say a word in reply to the observation made by the hon. Member that I have not devoted sufficient attention in moving this amending Bill and therefore he would excuse my carelessness. It is because I am very careful that the law has to be administered, that I have to come forward with this amendment. Probably the hon. Member does not know that there are already Deputy Tahsildars doing the work of the Tahsildars. What is wanted is to regularize the procedure by which a man doing the duties of the Tahsildar should be empowered to do the work. Such a thing happens very often in the zamindaris. It is to regularize this that the law has to be so amended as to give sufficient powers to those who do the duties of the Tahsildar in the matter of the sanction to prosecute in the case of offences under the Births and Deaths Registration Act. That is all that is intended to be done and I do not see why the imaginative mind of my hon. Friend has gone far to see a lurid picture that does not exist."

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. DR. T. S. S. RAJAN:—"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 REVENUE RECOVERY (AMENDMENT) BILL, 1939.

* THE HON. SRI T. PRAKASAM:—"Sir, I introduce a Bill^a further to amend the Madras Revenue Recovery Act, 1864, for a certain purpose, and move—

'that the Bill be taken into consideration at once.'

^aPublished in the Fort St. George Gazette, dated 10th January 1939.

20th January 1939] . [Sri T. Prakasam]

"Under section 52 of the Madras Revenue Recovery Act, 1864, provision is made to recover arrears due to the Government as land revenue. But with regard to the amount of rent due to the Government under a lease of land executed by them such as lanka lands and when the amount due as rent is not paid, there is no provision for recovering the loss sustained by Government on account of the resale of the lease. This is only a formal matter requesting the Legislature to add a few words to section 52: After the words 'and all cesses lawfully imposed upon land,' the words 'and all sums due to the Provincial Government, including compensation for any loss or damage sustained by them in consequence of a breach of contract' shall be inserted."

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 T. PRAKASAM:—"I move, Sir—
'that the Bill be passed into law.'

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

(3) THE MADRAS PREVENTION OF ADULTERATION (AMENDMENT) BILL, 1939.

THE HON. DR. T. S. S. RAJAN:—"Mr. Speaker, I beg 3-30 to introduce a Bill^a further to amend the Madras Prevention of P.M. Adulteration Act, 1918, for a certain purpose and move—

'that the bill be taken into consideration at once.'

"Here, what is attempted is that under section 19 of the Act, there is a time-limit imposed upon prosecutions for false warranty; and it so happens that in a preliminary trial for an offence, sometimes a period of more than three months is taken; and, if after the decision of the trial a false warrantor has got to be pursued and action taken on him, the prosecution of the warrantor often becomes time-barred. What happens is that the preliminary trial in the magistrate's court lasts for three, four and sometimes six months. By mere lapse of time the accused escapes the law. Therefore, we have now removed that three months' limit, so that it may be possible, on account of the exigencies of legal trial, so to operate the law that the accused person may not escape on account of the time-limit. That is all that is contained in the Bill."

^aPublished in the Fort St. George Gazette, dated 10th January 1939.

[20th January 1939]

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. DR. T. S. S. RAJAN:—"Sir, I move—

'that the Bill be passed into law.'"

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

(4) THE MADRAS ELEMENTARY EDUCATION (AMENDMENT) BILL, 1939.

THE HON. SRI C. J. VARKEY:—"Sir, I beg to introduce a Bill* further to amend the Madras Elementary Education Act, 1920, the Madras Local Boards and Elementary Education (Amendment) Act, 1934, and the Madras Elementary Education (Amendment) Act, 1935, for certain purposes specified in the Statement of Objects and Reasons. The Bill was published in the *Fort St. George Gazette* on the 12th January 1939.

"The Bill aims at the abolition of the District Educational Council which was brought into existence by the Madras Elementary Education Act, 1920. The question of the formation of these *ad hoc* bodies for work connected with the development of elementary education was considered at great length before legislation was undertaken. The matter was first discussed in 1917, and a Bill was drafted in that year with a provision for Education Committees. This Bill was scrutinized at a conference in 1918, and as a result of the deliberations of the conference, a second draft Bill was prepared, which later became the Act of 1920.

"The Bill provided for the constitution of an Educational Council for each district. The duties of the Council were set out in clause 24 of the Bill. The main duties were—

- (1) to prepare working plans for the extension of elementary education in taluk board and municipal areas;
- (2) to arrange for the opening of additional schools;
- (3) to grant recognition to schools; and
- (4) to sanction aid to schools under private management.

The Bill was passed into law in August 1920 and was brought into force from 1st April 1921. Soon after, according to the provisions of the Act, the District Educational Councils were created.

"Scarcely had the Act been in force for two years, when the need for abolishing the District Educational Councils was felt.

* Published in the *Fort St. George Gazette Extraordinary*, dated 12th January 1939.

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and the question of their abolition as well as of other amendments was taken up. And, in 1926, an able officer in the person of Mr. R. M. Statham was placed on special duty to examine the whole question. He submitted his report early in 1927, and in Chapter III of the report he urged the abolition of the District Educational Councils and recommended that the power to recognize schools should vest in the departmental officers. He advocated the formation of specially constituted committees of district boards and of municipal councils to be responsible for all elementary education in their respective areas. He also prepared a comprehensive draft Bill to implement his proposals. The Bill was under consideration for a long time and underwent several modifications. But, finally the whole question was shelved when Sir Kumaraswami Reddiyar was the Minister in charge.

"If I took up a part of the time of this House to trace briefly the long history of the question of abolishing the District Educational Councils, it was simply with a view to convince the hon. Members that this is not a question which struck the present Government or the Minister for Education, one fine morning. It is a question with a long history behind it, and this background of its history will, I am sure, enable the hon. Members of this House to view the question before them without any preconceived prejudices. If the present Government have boldly come forward with the present Bill, it is because of a strong conviction that we are suggesting to do the right thing for the rapid spread of mass education in our Province.

"But Sir, in the minds of many in this House, the question will arise whether it is the intention of the popular Government to ignore altogether the co-operation of the popular element in the matter of spreading education. I may assure the House that this is not at all our intention. At present, as every one of the hon. Members of this House knows, all is not well with the District Educational Councils or with the system of educational administration by means of these Councils. Indeed, I do recognize that some District Educational Councils and some of their presidents have a good record of work to their credit, not implying thereby that all others have a record of bad work to their discredit. The fact is that, with the multiplicity of agencies managing and controlling educational work in our Province, with the constant conflicts between the District Educational Councils on one side and the Educational Officers on the other, and the district boards, panchayat boards and municipal councils on one side and the Educational Officers on the other, we have had enough of trouble during the past years in the administration of educational work and in realizing the goal of our ambition to make every body and girl in the Province literate.

[Sri C. J. Varkey] [20th January 1939]

We have to avoid this unpleasant conflict and friction by removing in the words of my predecessor, 'the fifth wheel in the coach' of our elementary educational progress.

"It has been admitted on all hands, Sir, that these Councils have not worked very satisfactorily, and there appears to be no sufficient justification for the continuance of this unwanted wheel in our coach. The object of the then Government in creating these Councils was that they should co-ordinate and direct the activities of the various agencies engaged in the field of elementary education. That the Councils have not been quite helpful in this work of co-ordination or in the work of eliminating inefficient schools, but that they have been very helpful in bringing into existence superfluous and inefficient schools, is the conviction of many who have given a serious thought to this subject. It is, therefore, that the Government seek the support of this House to abolish the District Educational Councils.

"We must have a more effective machinery for the purpose. We have to replace the present District Educational Council by a more suitable body to secure the much-needed co-operation between the Government or the Department of Education and the public. We must have a body of men whose area of activity is smaller and whose zeal for the spread of rural education is real—men with local knowledge and genuine interest in education. Some of the hon. Members must be aware of the fact that, if the Greeks of ancient days lived an active civic life and contributed much to the progress of human thought and action, it was mainly because of the smallness of the area of their concentrated activity, namely the city-states. So, too, in our own land, if our ancestors were able to enjoy an active civic life in their village panchayats and mahasabhas of ancient days, and built up a culture and civilization of which we are proud to-day, it was because the scene of their activity was the village—the smallest unit of administration. I am not here and now suggesting that the village should be the unit of our future Educational Councils. That is a question which may be studied in connexion with the re-organization of the panchayat system, which the present Government have in view. All that I contend now is that the *district* is too large an area for effective work of co-operation between the public and the Government in the matter of mass education.

"What exactly is to be the area of the jurisdiction of the new committees we propose to introduce, and what exactly their powers are to be, are questions which are now engaging the serious attention of the Government. In this connexion it must be interesting for the hon. Members to know that, while going through some records bearing on the early history of the movement for the establishment of the District Educational Council, just this

[14 January 1939] [Sri C. J. Varkey]

morning, I discovered the very first Elementary Education Bill drafted in 1917 by the hon. Diwan Bahadur R. Ramachandra Rao, he then Secretary to Government, Law (Education) Department, wherein I found this passage which, with your permission, Sir, I will read:

'Chapter II—Education Committees—Section 4.

'The Governor in Council may by notification declare his intention to constitute an education committee for any municipality or for any taluk or part of any taluk.'

"At a time when we are considering the question of abolishing the District Educational Council, it is refreshing to note that the wisdom of the present Government in abolishing the District Educational Council and of having smaller committees for smaller areas has the sanction of the statesmanship of those who gave their thought to the problem in earlier days. If we propose to abolish the District Educational Councils by the present Bill, we are, therefore, only trying to undo a wrong thing done by the later men who were the authors of the Act of 1920. We, may, therefore, be regarded not as destroyers, pulling down useful fruit-bearing trees in the vine-yard of the Province, but only removing useless plants that impede the steady growth of the fruit-bearing trees and planting more fruit-bearing trees.

"The hon. Members of the House who have some misgiving on the score of the people's share in the spread of education being ignored by the Government, may rest assured that, when the constitution and functions of the proposed education committees are published, they will find that the Government propose to give more scope for popular co-operation and share in his work to an extent greater than that afforded at present by the District Educational Council. Instead of only twenty or thirty people in a district taking part in this work, you will find that in all the committees together in a district 100 or 150 people will be called upon to render their valuable and willing service in the cause of mass education.

"I may also add, Sir, that I do realize that we are taking a step which, in the opinion of some hon. Members, is likely to make bending trees bend more. Instead of growing straight, some plants—which botanists call sensitive—have a tendency to bend, and grow in a zig-zag manner. I may assure the hon. Members of this House that the new Education Minister of our Government will, like a good gardener, prune the plants in his garden as far as possible and see that they grow quite straight. (Cheers.)

"With these two assurances, Sir, I appeal to every hon. Member of this House to support the fundamental principle underlying the present Bill, viz., the abolition of the present system of educational administration by the District Educational Council.

[Sri C. J. Varkey] [20th January 1939]

" Sir, I move—

' that the Bill be taken into consideration at once.' "

3-45
p.m.

* KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—" I am very much impressed by the able pleading of the Hon. Minister in his first speech as Minister. But I am sorry to find that it has become the fashion with this Government to abolish all popular institutions. I do not want now to mention the other institutions which have been abolished. I shall confine myself to making a few remarks about the proposal to abolish the District Educational Councils. It was stated by the Hon. Minister that this question has got a long history behind it and that it had come up several times before previous Governments. But I may point out, Sir, that no Government in the past dared to touch a popular institution like this. Although they considered this question several times, they found that it was not advisable to abolish the only institution that is concerned with elementary education in this Province. If the Councils do not work properly, proper steps could be taken to make them work usefully and well in the interests of elementary education. That is the proper thing to do with a body which controls and is intended to spread elementary education. Even the schools under the district boards and municipalities should have been brought under the control of these bodies.

" It has been stated that there has been mismanagement in the Councils and conflicts between them and the District Educational Officers. All such things could be avoided by amending the Act suitably instead of doing away with the Councils altogether by means of a Bill of this kind. It was stated that smaller committees will be appointed by Government to deal with education in smaller areas. But I wish to point out that those committees will have no statutory power to influence the spread of education in the villages and in the areas under their control. What is being done by the Educational Councils is not appreciated because sufficient power and initiative has not been given to them. If sufficient power and scope could be given to them for doing better work, they would turn out much better work than they do now. I mention all these things only to bring to the notice of the Government how people are viewing this action of the Government. I do not think, I can, by raising my feeble voice against the introduction or passing of this Bill, succeed in stopping this measure."

* SRI R. M. PALAT:—" Sir, I wish to say a few words on this subject. This is another attempt at curtailing the power of local self-governing institutions. As Mr. Schamnad has pointed out, we have had recently in this House various occasions to witness similar activities. The Public Health Bill is an instance in point. Sir, I quite agree with the Hon. the Minister for Education when he says that these Educational Councils

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are not as efficient as they should be. That has been my own personal impression also. I have some experience of these Educational Councils as I was President of the Malabar District Educational Council for some time. But, the fact that a popular body is not efficient, is no reason why it should be ended. The better and the right course would be to guide it properly and extend its usefulness and not to abolish it.

" We know, Sir, that almost the same class of people as are members of the District Educational Councils are Members of this Assembly also. That being the case, if we say that the District Educational Councils cannot manage a few elementary schools in their districts efficiently, can we claim that the same sort of people can manage the affairs of the whole Presidency well? Sir, both the institutions are composed of the same class of people and I contend that the reasons which seem to be at the back of the mind of the Education Minister for abolishing the District Educational Councils would apply with greater force to this bigger body to which is entrusted the management of the affairs of the whole Province. As a matter of fact, we know that the old Executive Councils of the pre-Morley Reform days were more efficient than any of the later Governments after popular government was introduced in this Presidency. Although that does not seem to be conclusive to me, yet, to this Government it seems to be conclusive and, I believe, if they follow their argument to its logical conclusion, what they should do is to petition the Secretary of State to the effect that we do not want any more reforms, that we are completely unfit to manage our own affairs and that we had better entrust the Government of this country to a committee of bureaucracy, i.e., the old Executive Council—a bureaucracy the members of which I may also say, would be nominated by His Excellency the Governor. We have seen the Members of the present Ministry, His Excellency the Governor, the authorities in England and the bureaucracy exchanging periodical congratulations as to the great confidence they have in each other. Therefore we can say that there is no reason whatever why we should not abolish all these assemblies and save the tax-payers' money and entrust the affairs of Government to a bureaucracy in whom the Ministry have such confidence, consisting as it did in the old pre-Reform days, of members nominated by His Excellency the Governor in whom we all have so much confidence. Also, I submit, this is another step towards the establishment of a totalitarian government where popular control is removed and popular institutions are abolished.

" Sir, we had recently a declaration from Bardoli, furthering this very step that I am speaking of, saying that literacy should be the sole test for franchise. When that test is applied, the entire Depressed Class population will be disenfranchised and

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a great part of the Muslim population also will be disenfranchised. According to this test people like Emperor Akbar and Hyder Ali would be unfit to exercise the franchise for this Assembly. I do not want to say more. For these reasons I oppose this Bill."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, I am glad that the Government have brought forward this piece of legislation. I do not think that this has come a day too soon. I have been availing myself of every opportunity to bring to the notice of the Government and the Minister in charge that these institutions should be abolished as early as possible. For, I believe that instead of being helpful to the progress of education in our Province, they have been a hindrance. I think, therefore, that the sooner they are abolished the better. But, I am afraid, the Government have not come forward with any provision for the constitution of some non-official advisory body in the place of these Educational Councils, but without their powers. For, if we abolish these Educational Councils in the local areas, apart from the municipal councils and district boards, there will not be any local agency which will watch the progress of education in the locality. The entire thing will have to depend upon the department and upon departmental officers. The districts will have to depend for educational progress entirely upon the Educational Officers of the area. I believe, Sir, that it is necessary that the educationists and other non-officials in each area should be enabled to interest themselves in the educational activities of that area. This can be done without giving them the power which will bring them into conflict with the officers of the area. I believe, it would have been better if the Government had come forward with another measure, or included a provision in this measure itself, for the establishment of advisory educational councils. This body will be a check on the activities of the educational authorities.

"Besides, it is stated in the Statement of Objects and Reasons that these institutions have not helped the District Educational Officer in eliminating inefficient schools. There comes the danger. In the name of inefficient schools, if this check is removed, there is the danger of departmental officers going too far and abolishing even necessary schools in many areas. That danger should be avoided. If these advisory boards are there they will be a check on the rash activities of the District Educational Officers in the direction of making education ostensibly efficient, but ultimately resulting in the abolition of all necessary schools for the education of the children of the areas concerned. I think, Sir, that that danger should be guarded against.

"Now, I believe that on account of all these considerations the Education Minister and the Education department headed by

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the Director of Public Instruction are taking upon themselves a great responsibility under this measure. They have not only to see that education is made efficient, they have not only to see that educational waste is avoided, but they have to see that educational progress is not retarded. The progress of education should be made easier. In the name of avoidance of waste, in the name of efficiency, the policy recently followed by the Government has not been progressive. Therefore, these officers including the Hon. Minister will be taking upon themselves, under this measure, the great responsibility for seeing that education progresses in the Province and that the education of the minorities, in particular, is not hampered. There is always the danger, in the name of efficiency, of adversely interfering with the education of the minorities, to whom facilities will have to be given if they are to come into line with the advanced communities of the Province. If these popular institutions are removed from the scene and if the entire responsibility is vested in the department as a whole, there is the danger of the officers going too far and to the detriment of the education not only of the entire population, but particularly of the minorities. Therefore, Sir, if this Bill had been referred to a Select Committee it would have been better in order to see if there are any defects to be rectified. But, in view of the fact that this is a measure for the abolition of one particular set of institutions, I do not think it is necessary to refer it to a Select Committee. I trust that the Government, before this measure is passed into law, will see that if there are any defects in it, they are rectified. I am sure the Hon. Minister will bear in mind the consequences of this measure to the educational progress of this Province."

* SRI T. T. KRISHNAMACHARIAR:—"Mr. Speaker, in 4 p.m. opposing the motion before the House, I offer my congratulations to the Hon. Minister for Education on the able speech with which he has introduced this Bill. The Hon. Minister for Education has come forward with a measure in his first appearance and it is naturally to be expected that a Bill of this sort, is going to be the precursor, I hope, of more constructive measures in the future.

"Turning to what he said with regard to the educational policy of the Government. I would submit that what I was hearing from his speech were a number of parables. Sir, we are all accustomed to government by dictation; we are all accustomed to government by discussion and co-operation and it appears we are now to have government by parables, the latest illustration of which is provided by the speech of the Hon. the Minister for Education. It has not left me any the wiser in regard to the policy of the Government. I understand that this measure is a negative measure taking away an institution which is considered by all the speakers who preceded me and who are better authorities than myself, to be not a useful institution. But what is to

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come in future? The Hon. Minister said that more good things would have to come in future. He has given us some idea of new committees. But we know nothing more about it. It is just like painting a picture of an animal, and drawing the tail alone in the picture and saying that the other parts of the picture will appear later. I do not think the House is any the wiser for his having made a statement like that. We do not know what exactly the Government intend to do.

"On an occasion like this, every one wants to ride his hobby horse. My hon. Friend representing the Madras Muslims Constituency has brought in the rights of minorities, especially of Muslims. Similarly I have got a hobby horse, viz., the important and celebrated report on Elementary Education of which the present Director of Public Instruction is the author, the report of June 1926—the Hon. the Minister for Law will correct me if I am wrong. The Hon. the Minister for Law, when he was Minister for Education, had been promising to take some action on it and we were expecting that some proposal would be formulated on that report and that it would see the light of day. He was a Minister for Education for the last about one and a half years, but, having done nothing on that report he let it pass on to his successor as a legacy. It looks as if, that in spite of the various speeches that the present Minister for Education has delivered, when he was the Education Minister's Parliamentary Secretary, no constructive suggestion has been offered to-day except an empty Bill.

"Let me first start with the policy of destruction that is sought to be resorted to under this Bill. You may do away with the Education Council. But what is to come next? We people in the Legislature have an opportunity of raising similar questions once a year and that opportunity is not very far away. As I have said already, every one tries to ride his hobby horse whenever an opportunity offers itself. So it would have been far better if the Hon. Minister had taken the House into confidence and outlined his policy in a comprehensive manner and stated explicitly what the Government are going to do and how their policy is going to relate to the policy which was accepted by the predecessor of the present Minister. The Hon. Minister for Education spoke of vine-yards, orchards and some things of that sort, but those things do not lead us anywhere. It is very easy to pull down a plant. But what has been done in the past and why should this Bill be hurried through? If the Government had time enough to bring forward a Bill with so many clauses as the present Bill they could have as well tacked on to it some constructive suggestions also. I think it is hardly fair for the Department of Education to have brought forward such a Bill. I do not blame the Hon. the Minister for Education for it. He has been in office hardly for a few days. When the Government

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bring forward such a measure, they ought to say what are the constructive suggestions that they have up their sleeves and what are the things that they are going to do in the future. If you start pulling down an institution, you must also be able to say how you are going to substitute it. There is no use of saying, 'This is what we have done.' Destruction is easy. That is all that I have got to say now. I oppose the motion."

* SRI G. KRISHNA RAO:—"I rise to support my hon. Friend, Mr. T. T. Krishnamachariar, and in doing so, I regret very much to say that the Ministerial tendency is to pull down the existing things, and not to state what the substitute is which they are going to give. In the Statement of Objects and Reasons it is proposed to abolish the District Educational Council and the Hon. Minister stated that the functions performed by this body would be entrusted to an educational officer of the Government. We have the officers there already. But what we want is more than that. We want more responsibility to be given to the people in spreading mass education. Mass education is a great and vital necessity to our country at the present moment. If we are to be democratic, I suppose mass education is a vital part of democracy. Especially the Hon. Minister for Education must know that the foundations laid by the previous Government should not be undermined and if he is going to pull them down, he must tell us if the existing structure is going to be improved or strengthened and laid on a better foundation. He has not given us any indication with regard to that point in the Statement of Objects and Reasons. He has simply stated that he is going to pull down the existing structure and added that more aid and grants would be given to schools by departmental officers. That is rather a negative suggestion. But the Hon. Minister is quite emphatic about it.

"With regard to mass education I have got to say one word. We have been told by people in public meetings and elsewhere that the educated people have got a duty to perform towards the uneducated, and that the education the former have received from the revenues of the country should be given back to the latter. So, that should be the principle on which we will have to face this question. Unless non-official agencies like the District Educational Councils are encouraged, it is not possible for governmental agencies to spread education among the masses. So these Councils ought to be encouraged and in no way discouraged.

"Secondly we find that only about 7 per cent of the population are educated. It is a very small percentage. It is an infinitesimal proportion of the population. So if we go on dividing the schools into economic and uneconomic, and make all such differences in these matters, we could effect no improvement at all. We cannot look at this question from a qualitative point of view; we must look at it from a quantitative point of view.

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So any small school is better than no school at all. I suppose in the previous District Educational Council the Collector was one of the members. If I am wrong the Hon. Minister for Education will correct me. So whenever there was any misappropriation taking place in any of these bodies, the Collector would have brought such things to the notice of the District Educational Council. I do not know what is going to be done under this Bill. What is the use of looking to the officers of the Educational Department in regard to these matters? What I would submit is that as far as possible the popular element should be encouraged and an autonomous body such as the Educational Council should attend to the scheme of mass education. And unless the Government come forward and say that they are going to have a proper autonomous body to look after these things, I do not think this House will be satisfied that the popular Government is doing its duty."

* SRI D. NARAYANA RAJU:—"Sir, I heartily support the principle of the Bill. There is a lot of discontent against the working of the District Educational Councils. The Hon. Minister has made out a good case for the abolition of these Councils. As a matter of fact, their abolition has for a long time been expected by the public. The public opinion is entirely in favour of their abolition. The Bill is entirely in pursuance of the opinion of the public outside.

"I may on this occasion bring to the notice of the House and the Hon. Minister another aspect of this question in this connexion, viz., the policy of the subordinates of the Education department. The public opinion is that the policy pursued by the subordinates of the Education department is as unsatisfactory as that of the District Educational Councils. The subordinate staff of the department are not noted for their honesty. In every district and in every corner of the Presidency there is a good deal of discontent about the corrupt practices of these subordinates. When we abolish the District Educational Councils, we must take care to see that the result of such an abolition does not make the situation more unsatisfactory. These Councils have been the agents to sanction and disburse grants to aided schools. Nearly one crore of rupees is being disbursed every year. If you abolish these Councils, this one crore of rupees will have to be disbursed by about 24 or 25 District Educational Officers. Everyone of them will have to work independently and not in consultation with others. In their turn they will have to depend upon their subordinates. These District Educational Officers according to the revised scales of pay have to get Rs. 195 per mensem. An officer getting Rs. 195 per mensem will not be, in my opinion, an efficient District Officer, and he will have to depend more on his subordinates. Further these Officers are not directly recruited. Direct recruitment to the office of District

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Educational Officer ceased, if I remember right, in the year 1927. There is no doubt that some professors working in the college have been posted to the inspection branch of this department. They no doubt come from a purer atmosphere and with a broader vision. But the number of persons that are thus recruited from colleges to the inspection branch are very few and far between. The majority of the inspection branch are being promoted from the subordinate ranks and they are there, according to public opinion, with a bad reputation. So I only request that the Government should take note of these facts and devise adequate and proper check and control with regard to the disbursement of grants. It is said that there is going to be some other institution in place of these Educational Councils which are going to be abolished. In constituting those institutions I hope adequate steps for control and check over departmental subordinates will be taken. Otherwise it would be very difficult to control any bad practices that may be indulged in by evil minded subordinates of the department. The person who gives bribe or any illicit consideration has everything to gain. There is no other party who is immediately adversely affected to complain about it; there is no other aggrieved party to expose it. So there must be an adequate machinery provided to check these malpractices. The departmental subordinates who are not reputed for their honesty should not be given a free hand especially with regard to the disbursement of these grants. I hope when the proposed new bodies are constituted the Government will take note of these things."

* SRI K. VENKATAPPAYYA:—"Mr. Speaker, I rise to heartily support this Bill which has been so ably moved by the Hon. the Minister for Education. I should think that this measure has been long overdue. The country has been looking forward to the abolition of these Councils ever since the Congress Government came into office. Sir, my experience of the Educational Councils has been such that I am of opinion that they have done more evil than good. These Councils are generally only one-man shows. Most of the members are mere dummies who have no knowledge of the methods of education or of what is going on in the schools around them. A list of the schools is drawn up in order to draw educational grants; I do not know how the grant is enjoyed, by whom and how it is shared. However these Educational Councils have proved to be very unpopular and the teachers have got serious grievances against them.

"Of course, what will come in the place of these Educational Councils is a question which has been put by hon. Members of the Opposition. Sir, the Government have taken the responsibility for abolishing these Councils and they know what to do. I am sure they will do something which will really prove beneficial to the country and certainly much more beneficial than what these Councils have proved to be. The Education Minister has given us some

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idea of what the Government are going to do. He said that instead of every 30 or 40 members of these District Educational Councils, there will be 150 members who will take active part in the matter of education in the district. Therefore there is no doubt that in the place of the District Educational Council now abolished, there will be an efficient body of workers who will do real good to the country and to the cause of education. We shall first destroy what is bad and afterwards create what is good. With these few words I heartily support the Bill."

* SRI G. RANGIAH NAYUDU :—“ అధ్యక్ష మహాశయా, డిస్ట్రిక్టు ఎడ్యుకేషనల్ కౌన్సిల్లను రద్దుచేయు సమశ్యవై చాలా ప్రతిఘటన వున్నది. ప్రతిఘటన చేసినవారు, నా ప్రతిఘటనగా ఈ డిస్ట్రిక్టు ఎడ్యుకేషనల్ కౌన్సిల్ల సరియైన పనిచేయుచున్న వారేదా యను కడయమును విరుద్ధంగా తెలిసినవారైనచో దీనిని ప్రతిఘటించెడి వారుకారు. నేను మామ సంవత్సరములనుండి డిస్ట్రిక్టు ఎడ్యుకేషనల్ కౌన్సిల్లలో సభ్యునిగానున్నాను. ఈ కౌన్సిల్ల ఎందుకూ పనికిరావలసినవి. ఇవి చాలకును, మాంస మునకును పనికిరాని అజాగ్రహస్థ స్థనములు. ఇవి చేసే పని కనపడదు. ప్రతిసభకు నేనుపోయి హాజరై చూచినా ఇవి చేసినపని ఏమియుకాన్పించదు. దాని నిర్మాణమందుకో తెలియదు. అందులో ఎవరున్నారుంటే, డిప్యూటీ ఇన్ స్పెక్టర్లు, ఇన్ స్పెక్టర్లు, ఎడ్యుకేషనల్ ఆఫీసర్లు, చాలామంది నాకొక అభిప్రాయం మెంబర్లు, టీచరు మేనేజర్లు వున్నారు. విలే ఎవరున్నప్పటికీ వారు వారివారి స్వభావము కొరకు స్వప్రయోజనము కొరకు తప్ప ప్రజల ప్రయోజనమే తమ ప్రయోజనముగా ఎంచుకొని పనిచేసేవారు ఒక్కరూ కాన్పించ లేదు.

“ టీచరు మేనేజర్లున్నారుంటే, తమ పాతశాలకు గ్రాంటు ఎట్లు జాస్తిగా వచ్చు నాయని ప్రయత్నించెదరు. తమ పాతశాలకు గ్రాంటుకొరకు సిఫారసులు చేయించు కొని అధిక గ్రాంటు పొందు మాగ్గుమనేషించుచు తన ప్రయోజనము రెట్టానిర్వరించు కొన వలెకో చూచుచుందురు. ఇక గవర్నమెంటు ఆఫీసర్లను, ఇతర ఆఫీసర్లను, ఇన్ స్పెక్టర్లు, డిప్యూటీ ఇన్ స్పెక్టర్లును వారివారి కార్యముల ఎటులచేయుననవలె వారిస్వ ప్రయోజనముకొరకై వారివారి సిఫారసులు పొందవలెకో వీటినిగూర్చి ఎల్లప్పుడును ఆలోచించుచుందురు. మదాను కౌన్సిల్లలో మాత్రము ప్రెసిడెంటు నారాయణ సామి తెట్టిగారు చాలా పెద్దమనిషి. ఇతరచోట్ల ప్రెసిడెంటుట్టివారని చెప్పజాలను. వీరికి పని ఏమియు లేకపోయినప్పటికీ ఇచ్చట కష్టములు మాత్రములేవు. ఇతర జిల్లాలలోని ప్రెసిడెంటున్నారు వారిచేతుల్లోవున్న టీచర్లకు సరకలొకమే. డిస్ట్రిక్టు ఎడ్యుకేషనల్ కౌన్సిల్లు ప్రెసిడెంటుగారి చేతిలో చిక్కిన ఈ టీచర్ల కష్టాలు వాస్తవంగా ఆ యను లోకములో మాడాలేవు. ఎవరికి సంబంధించిన గ్రాంటు వారు వారివారి స్కూళ్లకు ఏ 4 వ భాగమో ఏ 5 వ భాగమో ఇచ్చుచు తక్కిన జబ్బంతా స్వాహాచేస్తున్నారు. ఇట్లు స్వాహాచేసేటట్టి కౌన్సిల్లవల్ల ప్రయోజనమేముంది? ప్రజలకేమి ప్రయోజనము, టీచర్లకేమి ప్రయోజనము? వీరిచ్చే 4 వ వంతో 6 వ వంతో లీసుకొని టీచర్లు మాత్రమేమి పనిచేస్తారు? ఇటువంటి అజాగ్రహస్థస్థనములవంటి ఈ కౌన్సిల్ల పోలేనే మంచిది.

“ ఈ చర్యములో (compulsory elementary education) ప్రాథమిక నిర్బంధ విద్యావిధాన మెట్లా వున్నదంటే, మనమందరము ఎంతవరకు ముఖపడవలెనో అంతవరకు వచ్చింది దీని దుస్థితి. దీనివల్ల మనకే విధమైన సౌఖ్యములేదు. మనవిద్యలకు విద్యా లేదు. ఈ ప్రాథమిక విద్యవై ముగ్గురు అధికారులు. (1) జిల్లా బోర్డులు, (2) బ్రిటిష్

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ప్రభుత్వమువారి తరపున వున్న డిప్యూటీ ఇన్ స్పెక్టర్లు, ఇన్ స్పెక్టర్లు, ఎడ్యుకేషనల్ ఆఫీ సర్లు, (3) డిస్ట్రిక్టు ఎడ్యుకేషనల్ కౌన్సిల్లు. ఈ కౌన్సిల్ల పాలన దుష్టరాజులపాలనవలె నున్నది. ఇక గ్రామాలలో విద్యా విధానమెట్లా వున్నదంటే పిల్లకాయలు టీచర్లకు వుంటే దానికి సరియైన గృహముండదు. సరియైన గృహముండి చాలురువుంటే టీచర్లుండరు. గృహము టీచర్లకు వున్న స్కూలుకు చాలురురారు. టీచర్లకు 9 మా సాలవరకూ కూడా జీతా లివ్వరు. టీచర్లు చులమల మాడిపోతున్నారు. వీరిపని ఇంకా విమంతు డిప్యూటీ ఇన్ స్పెక్టరు గుమాస్తాలకు కూరలు, నెయ్యి వగైరా సత్కలులేనే సరికి వీళ్లకు తాడు తెగుకోంది. వీళ్లకు 9 మాసాలవరకు జీతాలే రాకపోతే వీళ్లు సత్కలుకూడా ఎక్కడ వెయ్యగలరు? వీళ్లకు పెద్దలు సంపాదించిన ఆస్తులేమైనా వుంటే పెట్టాలి. లేకపోతే పెళ్లాము వున్నా ఆమ్మ పెట్టాలి.

“ ఇటువంటి సమయములో ఈ విద్యా విధానాన్ని పూర్తిగా సవరించవలసి యున్నది. ఈ విద్యా విధానాన్ని జిల్లా బోర్డు అధికారులనుండి పూర్తిగా తొలగించి గవర్నమెంటు ప్యాథిఫికేటు చేసుకొని, డిస్ట్రిక్టు ఎడ్యుకేషనల్ కౌన్సిల్లు, ఇతర అధికారుల సంవరకు లీని పారవేసి ఒక్క విద్యా మంత్రి చేతిలోనే ఈ విధానమంతా పెట్టు కొని, డైరెక్టరు ఆఫ్ పబ్లిక్ ఇన్ స్ట్రక్షన్, డిప్యూటీ ఇన్ స్పెక్టర్లును, ఇన్ స్పెక్టర్లును, ఎడ్యుకేషనల్ ఆఫీసర్లును సరిచేసి ఈ విద్యా విధానాన్ని సరియైన పద్ధతులతో నడిపించుకొనక ఈ దుర్మార్గువు కౌన్సిల్లవేరట గ్రాంటు లిచ్చుచున్నట్లైతే ఈ విద్యవల్ల ఏ మాత్రము ప్రయోజనములేదు.

“ పూర్వకాలపు విద్యా విధానముయొక్క పద్ధతులు చాలామంచివి. ఇప్పుడు విదు సంవత్సరములలో చెప్పే విద్య అప్పుడు ఒక్క సంవత్సరములో వచ్చేది. అప్పుటి ఉపాధ్యాయులకు ఇప్పుటి ఉపాధ్యాయులకు చాలా వ్యత్యాసమున్నది. ఇప్పుటి ఉపాధ్యాయులు రెట్లా వున్నారంటే వాళ్లకు భాషాజ్ఞానమా వుండదు. తరువాతవారే Third form వరకో చదువుకొని ఒక ప్రైనింగు చదువుతారు.”

SRI KALLUR SUBBA RAO :—“ రంగయ్య నాయుడుగారు చెప్పే విషయాలు ఈ subject కు సంబంధించినవేనా? ”

MR. SPEAKER :—“ Yes, quite relevant.”

SRI G. RANGIAH NAYUDU :—“ ఆ ప్రైనింగు స్ట్రెఫికేటు లీసుకొని ఏ జిల్లా బోర్డు అధికారి దగ్గరకో, ఏ ఎడ్యుకేషనల్ ఆఫీసరు దగ్గరకో పోయి ‘నేను ప్రైనింగు ప్యాసయినానండి అంటాడు.’ అప్పుడీ ఆఫీసరు ‘Is it a Lower Grade Certificate or Higher Grade Certificate?’ అంటాడు. ‘I have passed Lower Grade, Sir.’ అంటాడీ applicant. అంతే. అతనే ఇప్పుటి ఉపాధ్యాయుడు. ఇప్పుటి లోయర్ గ్రేడ్ చదివినవారికి హయ్యర్ గ్రేడ్ చదివినవారికి విద్య ఏమాత్రమురారు. నెకండర్ గ్రేడు స్ట్రెఫికేట్ స్కూలు వైసల్ ప్యాస్ అయితేనేగారిరారు. మొత్తంమీద వీరికందరికీకూడా వాచకమైనా సరిగా చదవడమురారు. అట్టివారు ప్రైనింగు స్ట్రెఫికేటు చేతపుచ్చుకొనిరాగానే వారి కుక్కోగమిచ్చినట్లైతే వారు పిల్లలకేమి చెప్పగలరు? ఈ కోజుల్లో 5 వ తరగతి ప్యాసయినవారు కోడిగిట్టలలో దస్తూరీ వ్రాయుచు వాచకము నట్టుచు తప్పులు తప్పులుగా చదవడము తప్ప వారికేమిరారు. నేను చదువుకొన్న కాలములో ప్రైమరీ షరీఫ్ ప్యాసయినవారు

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చక్కగా ముత్యాలవలె అతరములు క్రాయను, చాగుగా గలగల వాచకము చదువను, రామాయణాది, పద్యకావ్యములు చదివి అర్థము చేసుకొనడము కూడా వచ్చేది. ఇవి గాక వైసురీ ప్యాసయినవారు గ్రామ ముససలు పని, కరణము పని వైయ్యడము, ఇంకా ఇతర వ్యవహారాలన్నీ చక్కబెట్టుకొనుట నేర్చిన వారము. అప్పటి విద్యావిధానములో నున్న పద్ధతులు చాలా గొప్పవి. ఇప్పటి విద్యవల్ల ఏమీ లాభము లేదు. నా అభిప్రాయమేమంటే ఇప్పటి విద్యావిధానాన్ని పూర్తిగా తిసివేయవలెను. జిల్లా బోర్డుల క్రిందనున్న విధానాన్ని మ్యునిసిపాలిటీల క్రిందనున్న విధానాన్ని గవర్నమెంటు వారే చేతబట్టి ఈ విద్యావిధానాన్ని వృద్ధిచేసి 5 సంవత్సరాలలో ఒక్క సంవత్సరములో వచ్చేటట్లుచేస్తేనే విద్య చాగుపడగలదు. విద్యార్థులకా విద్యాధివృద్ధి కలుగుతుంది. మనసుకూడా చేరినందా తగినంతపని వుంటుంది. ఈ సూతన విధానమువల్ల మావంటి చాలామందికి పని తగులుతుంది. అందువల్ల ఇదివరలో ఈ బిల్లుకు వ్యతిరేకముగా ఆక్షేపించుచు మాట్లాడినవారుకూడా ఈ విధానాన్ని పూర్తిగా ఆపాదించమని ప్రార్థించుచు నే నీ బిల్లును బలపరచుచున్నాను.”

* SRI P. BUCHAPPA NAYUDU :—“ Mr. Speaker, to some people both inside and outside the House it might look somewhat anomalous that a Ministry elected by the largest popular vote should undertake the abolition of Councils which have been popularly constituted. People holding such views apprehend that this iconoclastic spirit might spread from the Hon. the Minister for Education to the Hon. Minister for Local Administration and then a time might come when the Government will proceed to the abolition of local boards and municipalities and other popularly constituted bodies. This, I may humbly submit, is an apprehension for which there is no foundation. Far from doing such a thing, this Government are examining every institution on its merits whether it is popularly constituted or otherwise and doing away with such institutions which have not justified their existence by the sort of work they have been doing.

30 “ District Educational Councils came into existence about two decades back and the sort of work they have done all this time does not justify their continuance any further. All those who have been members of these august bodies, complain that these bodies turn out little good work. They have not done much to spread elementary education. You find that these Councils are composed of a number of members elected by various popular bodies and missionary institutions; things are manipulated in these bodies in such a way that the actual disbursement of the grants is not subjected to the vote of the members. Very rarely opinion is taken on such weighty matters as the disbursement of grants and recognition. No doubt, Sir, in this Province the administration of elementary education has been vested in popularly constituted bodies for a very long time.

The substitute that is offered in the Bill that has now been ably moved by the Hon. the Education Minister, will, I am sure, be a permanent feature. At present, all power is vested in the

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District Educational Officer or in the person to be authorized by the Director of Public Instruction. As the Government have promised, they want to bring into existence different bodies, to take up elementary education work. In fact, Sir, the complaint based on facts and figures is that we have far too many bodies administering this most important subject of elementary education. In their clash and in their unhealthy race, the aim is frustrated and we have got very unsatisfactory results to-day; only 8 per cent of our population are literate. It is not altogether safe to vest all these powers in Educational Officers; for one reason, it will be a retrograde step and will not be favoured by public opinion. This subject has been administered by popular institutions for a long time and according to all accounts, they have shown some progress. Whether it is a taluk board or a district board, in its hands elementary education has progressed in however small a measure it might be. If any substitute is going to be constituted in the place of the present District Educational Councils, it must be popularly-elected bodies which must be invested with real powers. Elementary education must be in the hands of such popular bodies. With these words, I support the Bill for the abolition of the Educational Councils.”

* SRI S. NAGAPPA :—“ అదృష్ట వహశయ, వచ్చిన క్రొత్తలోనే యింత ధైర్యసహసుతో యీ బిల్లును తెచ్చిన మనక్రొత్త విధానమంతరిగి అధి నందించుచు, ఈ బిల్లుకు సంపూర్ణ సహకార మొసంగుచు, ఈ బిల్లును గురించి కొన్ని ముఖ్య విషయములు సభ్యులకు చెప్పదలుచుకొన్నాను. విద్యాధికారులకూడా ఎద్యుకేషనల్ కౌన్సిలులో భుండడము చేత మనదేశములో భ్రష్ట విద్యావిధానమువల్ల నూటికి 8 మందికి మాత్రమే చదువువచ్చుచున్నది. ఆ కౌన్సిలులో భండేవారు చాలా మంది అసలా జిల్లాలోని పిల్లలకు చదువు చెప్పించుటకు రాలేదు. వారు మేనేజ్ మెంటు చేయడానికి, అధికారము చలాయించడానికి వచ్చేరు కాని మనము ఎద్యు కేషన్ కౌన్సిలుకు పోయాము, ఈ జిల్లాలోని విద్యావిధానములో గల యిబ్బందులు మనము సవరించాలి, ఈ జిల్లాలో ప్రతిపాటునికి విద్యగరపవలసిన అవసరము చాడ్యత మనవైసున్నదని వారికేమాత్రము తోచదు. ఈ దేశములోని 100 కి 8 మంది మా త్రమే చదువుకొన్నది వీరియాలముననే కలిగింది. రెండవ విషయమేమన ఈ కౌన్సిలులో చాలా మంది విద్య చెప్పవారు, చెప్పించువారు మెంబర్లుగావున్నారు. వారే మేనేజర్లుగాను, కార్యదర్శులుగాను, అయ్యవార్లుగాను భండడముచేత వచ్చిన డబ్బుంతా వారు కాజేస్తూ స్కూళ్లపై అధికారము చలాయిస్తారు కాని మా స్కూలు రిక్వైజు చేస్తారా లేదా, వారి స్కూలు రిక్వైజు చేస్తారా లేదా అనే కాని ఈ స్కూలులో ఎంతమంది పిల్లలు చదువుతున్నారు, ఆ స్కూలులో ఎంతమంది చదువు చున్నారు, పోయిన సంవత్సరమంత మంది చదివి ఉత్తీర్ణులయ్యారు? పోయిన సంవత్సరము 800 చూపాయలు గ్రాంటు నిచ్చినాముకదా దానికొంత మంది పిల్లలు చదువుకున్నారు ఈ విషయాలే మీవారికక్కరలేదు.

ఒక్క గ్రామములోనే ఒక హయ్యరు ఎలిమెంటరీ స్కూలు, ఒక ఎయిడెడ్ స్కూలు, ఒక మిడిల్ స్కూలు, ఒక క్రిస్టియన్ స్కూలు, ఒక అడ పిల్లల స్కూలు భుండడము, ఒక్క స్కూలులోనూకూడా 4, 5 బాలురకంటె ఎక్కువ

[Sri S. Nagappa] [20th January 1939]

మంది నేకపాదము. ఇక వారికిమి చదువు వస్తుందో చూడండి. ఆ బడి పిల్లలను ఈ అయ్యవార్లు ఈ బడి పిల్లలను ఆ అయ్యవార్లు పంచుకోదాని గుంజుకోదానికి చూస్తూ రేకాని క్రొత్త పిల్లలను చేర్చడము, పిల్లల సంఖ్య ఎక్కువ చేయడము, శ్రద్ధతో చదువు చెప్పడము లేదు. కనక ఎవరికి వారే అధికార్లు. ఎవరికి వారే యజమానులు. ఏదో ఒక విధముగా యీ కాన్సిల్ మొదలైన మొత్తం ప్రాంతం పొందడము తప్ప మరి ఏమి కనుబడుటలేదు. మొత్తంమీద ఈ స్కూళ్ల కన్సింటికికూడా గవర్నమెంటు వారు గ్రాంటు లిస్తున్నారు. ఈ మూల నోక మహమ్మదీయ స్కూలు, ఆ మూల నోక క్రిస్టియన్ స్కూలు, ఇట్లా గ్రామములలో మూల మూలలలో ఈ స్కూళ్లుండ డముకంటే వీటినిన్నటిని ఒక చోట పెట్టి ప్రతి పిల్లవానికి విద్యగరపిననాడే వారిలో వారికి జాతి మత భేదములు నశించును. ఇప్పటి చిన్న పిల్లలే కేపు రేకాని కావారు వారు, పాలించువారు. ఒక మహమ్మదీయ స్కూలు, ఒక క్రిస్టియన్ స్కూలు, ఒక మిషనరీ స్కూలు, ఒక హిందూ స్కూలు, ఒక ఎయిడెడ్ స్కూలు ఇవన్నీ ఒక్కొక్క జాతి కొక్కొక్కటి యేర్పడి జాతి మత భేదములను వృద్ధిచేయుచున్నది. ఇట్టి పరిస్థితులలో ప్రస్తుత ప్రభుత్వము మనలో గల జాతి మత భేదములను పోగొట్టు తద్వేళముతో ఈ డిస్ట్రిక్టు ఎడ్యుకేషనల్ కాన్సిల్ నెత్తివేసి అన్నింటిని విశ్వవరచి ఈ సంవత్సరమొక డబ్బు ఖర్చు పెట్టినాము, ఎంతమంది పిల్లలకు చదువు చెప్పించినాము, ఈ డబ్బుంతా సద్వినియోగపరచినామా లేదా యే యద్వేళముతో పని చేయవలసి యున్నది. నేనొక ఉదాహరణ చెప్పుచున్నాను :—క్రింతటి సంవత్సరము మా జిల్లాలో 6 లక్షల రూపాయలు జిల్లా బోర్డువారు ఎలిమెంటరీ ఎడ్యుకేషన్ క్రింద ఖర్చు పెట్టి నారు. మొత్తంమీద 500 మంది పిల్లలకూడా చదువుకొన్నవారు లేరు. ఈ డబ్బుంతా ఈ విద్యార్థికారులు, మేనేజర్లు, శ్రీ రంగయ్య నాయకుగారు చెప్పినట్లు మధ్యగా తినివేయుచున్నారుకాని విద్యకొరకు దానిని ఖర్చు పెట్టుటలేదు.

“దేశాలయ ప్రవేశ సందర్భమున తిరువాన్కూరు సంస్థానము వెల్లెనప్పడు అక్కడ చూడగా తిరువాన్కూరు సంస్థానములో నూటికి 64 మంది మగవారును, నూటికి 16 మంది ఆడవాళ్లును చదువుకున్నవారున్నారు. మన రాష్ట్రము ఆ రాజ్యము కంటే తక్కువ డబ్బు ఖర్చు పెట్టిందా? లేదు. ఎంత ఖర్చు పెట్టినా మన పిల్లలకు చదువు చెప్పించవలసిన శ్రద్ధ మన ఎడ్యుకేషన్ కాన్సిల్ వారికి లేదు ఇందుచేతనే మన మింతగా వెనుక బడ్డాము. ఆ సంస్థానములో చదువుకున్నవారు 100 కి 64 మంది పురుషులు, 16 మంది స్త్రీలు భుండుటేమి? ఇవట నూటికి 8 మంది మాత్రమే చదువుకొన్నవారుండుటేమి? ఇదంతాకూడా ఎడ్యుకేషనల్ కాన్సిల్ వారి అశ్రద్ధ చేతనే. శ్రద్ధ కలిగి పని చేయకున్న ఏ గవర్నమెంటైనా లాభము లేదు. మన మండలమును విశిఖరించి శ్రద్ధగలిగి ఈ కార్యమును జరిపించుకొనవలెను. అందుచేత ఈ బిల్లు ద్వారా ఎడ్యుకేషనల్ కాన్సిలును రద్దుచేసి దాని స్థానే మన పిల్లలకు శ్రద్ధతో చదువు చెప్పగల్గిన సంఘములు స్థాపించి మన మంత్రులగు చెప్పినట్లుగా కోట కాపరి మంచివాడు శ్రద్ధగల వాడైనచో రుచికరమైన ఫలములు ఆ నేకము లనుభవించవచ్చు కారన ఈ బిల్లును నేను పూర్తిగా ఆమోదిస్తూ ఆ కాన్సిలును రద్దుచేయవలెనని నా అభిప్రాయము.”

* SRI M. SUBBA RAO :—అద్యక్ష మహాశయ, ఈ కాన్సిలులో ప్రవేశ పెట్టు తాము ఈ బిల్లు చాలామంది. నేను ఎడ్యుకేషనల్ కాన్సిలులో కొంత కాలము నుండి మొదలుగా వున్నాను. కాని ఇది ప్రకటనగా పని చేయలేదని నేను దృఢముగా భావిస్తున్నాను. అయితే వీటి అధికారులు విద్యార్థిభాధికారులకు వచ్చు

20th January 1939] [Sri M. Subba Rao]

గించడములో కొన్ని కష్టములు వున్నాయని చెప్పక తప్పదు. ఈ మధ్య టీచర్ల ఆలోచి తుంక నెంటరు క్లాసు మీటింగులో హరిజనలకెవరికి ప్రవేశము లేదని ఆ డెప్యూటీ ఇన్ స్పెక్టరుగారికి మనవి చేసినపుడు ఆ డెప్యూటీ ఇన్ స్పెక్టరుగారి దానికి సంబంధించిన ఏ ఇతర ఎడ్యుకేషనల్ ఆఫీసర్లుగారి హరిజనలయొక్క అవమానకరమైన పరిస్థితులు తెలుసుకొని వాటిని సక్రమమైన మార్గములో పెట్టుటకు ప్రయత్నించలేదు. ఈ కారణముచేత ఈ అధికారులు విద్యార్థిభాధికారులకు వచ్చుచుంటున్న సరియైన శ్రద్ధ చూపిస్తారని విశ్వసిస్తూ, హరిజనలయొక్క అభివృద్ధికి విద్య వినియోగించే టిట్లు వారికి సరియైన సూచనల నిచ్చేదరని నమ్ముచూ ఈ బిల్లును బలపరుస్తూ ఇంతతో విరమిస్తున్నాను.”

* SRI D. GOVINDA DOSS :—“అద్యక్ష మహాశయ, ప్రస్తుతము యీ ఎడ్యుకేషనల్ కాన్సిలును తినివేయడము చాలా ముఖ్యమైన విషయము. మా హరిజను లకు చాలా ప్రాముఖ్యమైన విద్య ఎలిమెంటరీ ఎడ్యుకేషనే. విశేష ప్రతి సంవత్సరము ఆ నేక వేల రూపాయలు మా హరిజనులకు ఎలిమెంటరీ ఎడ్యుకేషనుకోసమై ప్రతి గ్రామ ములోను ఈ టీచర్లకై ఖర్చు పెట్టుచున్నారు. కాని నిజంగా ఏ కొద్దిమంది పిల్లలైనను విద్యవల్ల వృద్ధిపొందినట్లు నేను చూడలేదు.

“ప్రతి స్కూలులోను 3, 4 తరగతులు తప్ప వై తరగతులు లేని కారణముచేత పిల్లకాయలు ఆ 3, 4 తరగతులలోనే నిలిచిపోయి కుందు మార్గముగానక తిరిగి యెప్పటివలెనే వార కూలినాలి చేసుకొనుట మొదలవుచున్నారు. వారంతకంటే అభి వృద్ధిలోనికి వచ్చుటకు వేదమార్గమేదీయు గవర్నమెంటువారు చూపించుటలేదు. డబ్బు యెక్కువగా వున్నవారు తమ పిల్లలకు హైస్కూలు విద్య నేర్పించుకొందురు. నిజంగా తినుటకు అన్నము, కట్టుటకు బట్టలేని మాహరిజనులకెట్టి సహాయములేనందున వారు చదివే ఈ నాలుగు సంవత్సరముల విద్యలోను వారి కొక్కముక్కైనా రాక ఒక్క అక్షరమైనా రాకుండా పూర్తిగా విద్యావిహీనులవలెనే వర్తించుచున్నారు.

“ప్రస్తుతము ప్రభుత్వమువారు ఏర్పరచే విద్యావిధానమందు మా హరిజన బాలర విద్యార్థివృద్ధికొరకు 3, 4 తరగతులు పూర్తిచేసిన పిల్లలకు, వారిలో ఎక్కువ శ్రద్ధతో చదివినట్టి తెలివగల విద్యార్థులకు ఆ జిల్లాలోని హైస్కూళ్లలో హాస్టలుపెట్టి వారికి విద్యను గరపి మాహరిజనులను వృద్ధిలోనికి తీసుకొనివచ్చుట ముఖ్యమైన విష యము. ఇట్లు చేయనిదే వారికి విద్యార్థివృద్ధికలుగదు. ఎలిమెంటరీ ఎడ్యుకేషనును గురించి మీరు పెట్టే లిల్లు చాలా ముఖ్యమైనది. దీనిని త్వరలో ప్రవేశపెట్టి మా హరి జనుల అభివృద్ధికి స్కూళ్లలో చేరి పనులు పెట్టుట, వారికి ఉన్నత విద్యగరపి వారి యభివృద్ధికి యెక్కువ డబ్బు ఖర్చు చేసినచో ప్రయోజనముండునుగాని లేకున్న ఈ విధానము నిష్ప్రయోజనమని నేను దృఢముగా చెప్పుచు తమతో మనవిచేయుచు ఇంతతో విరమించుచున్నాను.”

* DR. M. J. SAMUEL :—“Sir, I have been carefully listening 4-45
to what has been said by the previous speakers, especially the p.m.
Harijan representatives. They all, with one accord, have been stating that the education of the Harijan pupils has been neglected during the past so many years. I cannot understand, Sir, how, if under the old regime where there were popularly elected bodies

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like local boards and District Educational Councils and so many sub-committees wherein the Harijans were well represented, who championed the cause of the education of the Harijan children, if in those favourable circumstances the Harijans did not utilize the schools that were catering for the education of their children, how under the new regime after the abolition of the District Educational Councils, the lot of their children could be bettered. Sir, I, as an ex-member of the Educational Council of Kurnool, can say that these Educational Councils have been managing educational affairs with a high degree of efficiency. I can say that every member that represented either the taluk board or private aided agencies like missionary institutions or the teacher-managers, had his say on the various important matters that engaged the attention of these Councils. Sir, I had a very unpleasant experience as a member of the Educational Council of Kurnool in connexion with the remarks made by the inspectorate in regard to certain schools. One of the Deputy Inspectors made a damaging remark about a few schools in the district, that the schools were held in sheds. But to my knowledge, I can say that the schools were held in *pucca* buildings. Sir, when the representatives are there in an elected institution like an Educational Council, they could easily oppose such remarks made by the Educational Officers; that was possible in the old days. I am at a loss to understand how the elementary education in the districts could be managed in future without such a popular body as the Educational Council. No doubt the Hon. Minister for Education has promised us certain new institutions and newly elected committees with a large number of representatives. We are all anxiously waiting to see how those new institutions are going to operate in regard to the elementary education in the country."

* SRI S. GURUVULU :—“అధ్యక్ష మహాశయ, ఇప్పటి విద్యా విధానమును అమలు జరుపుట కేర్పాటుపడిన జిల్లా విద్యాసంఘమును రద్దుపరచుటనుగూర్చి గౌరవ నియంతలగు మంత్రులారు ప్రవేశ పెట్టిన ఈ యొక్క బిల్లును నేనుకూడా బలపరుస్తున్నాను. మన దేశములో ఇంతవరకున్న విద్యావిధానము మూలముగా మనలో 100 కి 99 మంది మాత్రమే చదువుకున్నవారున్నారంటే మన దేశముయొక్క విద్యావిధానములోను జిల్లా విద్యాసంఘములలోను ఎంత బలహీనతయన్నదో వై సంఖ్యనుబట్టి మనము గ్రహించవలసియగుచున్నది. ఏలే ఇంతవరకు మన హిందూదేశములో ఈ విద్యా విధానముయొక్క ప్రతిఫలముగా నేర్పడిన, నిరుద్యోగ సమస్యనుగూడా పూర్తి చేయవలసిన వాధ్యత ఈ గవర్నమెంటుకారిపై బడియున్నది. కాబట్టి ప్రస్తుతము మన మద్రాసు ప్రభుత్వమువారు నష్టదాయమును నిరుపయోగమైన జిల్లా విద్యా సంఘములను రద్దుపరచి విద్యావ్యాప్తనాధికారము జిల్లా పరిపాలన సంఘముల పరమైనవగుటగాని పరిపాలనా సంఘాధికారిమునకలొందిన ప్రత్యేక సంఘములనేర్పరచుటగాని కేరళ ప్రభుత్వములలో ప్రాథమిక విద్యాభివృద్ధి కా నేరదని తలచుచున్నాను. ప్రాథమిక విద్యావిధానముయొక్క అమలునుకూడ సవరించు కొనుచున్నాను. ఇప్పటి

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ప్రాథమిక విద్యావిధానములోని లోపములు మనకందరికిని తెలిసియున్నవి. వీటిని సవరించుటకు తగిన ఏర్పాట్లుచేసి మనరాష్ట్రములోని చాలరలో విద్యనభివృద్ధిచేసి ఈ రాష్ట్రమును ఇతర రాష్ట్రములకు అదర్శ పాఠముగా చేయవలెను.

“ఇంతవరకు ఉన్నట్టి ప్రాథమిక విద్యకు సంబంధించిన ఉపాధ్యాయులు లోయర్ గ్రేడువారైనను, హయ్యరు గ్రేడువారైనను ఒక్క అక్షరజ్ఞానముతప్ప వారికి దేశమందు పరిస్థితులెట్లున్నది, రాష్ట్రమందలి పరిస్థితులెమిటి అనే విషయములు గాని, తదితర రాజకీయ సాంఘిక విషయములుగాని వారికేమియు తెలియవని చెప్పుటకు చాలా చింతించుచున్నాను. అందుచేత ఈ క్రొత్త విద్యావిధానపు మార్పుపల్లె ప్రైమరీవరకు చదువుకొన్న విద్యార్థి కేవలము చదవను వ్రాయనుగాక తన దేశమును గూర్చియు, తన రాష్ట్రమునుగూర్చియు, తన మతము, తన సంఘములనుగూర్చి తెలుసుకొనెట్లు విధానము ఈ క్రొత్త విధానములో ఏర్పాటు చేస్తేనేతప్ప మన దేశములో విద్యాభివృద్ధి కలుగదని నేను మనవి చేయుచున్నాను. ఈ క్రొత్త మార్పుల ప్రాథమిక విద్యావిధానములో పెట్టి విద్యాభివృద్ధికి తగిన ఏర్పాట్లు చేస్తారని కోరుచు ఈ బిల్లును నేను బలపరుస్తున్నాను.”

* SRI E. KANNAN :—“Sir, it was not at all my intention to take part in the proceedings on this subject to-day. But unfortunately the remarks that fell from my hon. Friend, Dr. Samuel, have obliged me to clear certain misconceptions. He said that in the past, the Harijans were given representation in most of the Educational Councils by the past Government who were doing their utmost to improve the condition of the Harijans, but that the Harijans did not take advantage of the facilities that were offered. I may say that in most of the Educational Councils, representation was given to the Harijans only for nominal purposes. The past Government thought it fit to nominate to those Councils only Harijans who could not understand the A, B, C of the constitution and the functions of these Councils; persons who did not know to read or write the vernacular were nominated to represent the Harijans. Nothing could be expected of such representatives, and it was not at all the fault of the Harijan representatives, nor of the Harijan community, if they failed to take advantage of the facilities then offered. Now, under the scheme that has been presented to the House by the present Education Minister, we understand that the Government will be giving special attention not only to the cause of Harijan education but to the cause of education in the whole Province in general. Therefore, it is only proper that the Harijan members should complain about the indifference shown towards their cause by the past Governments, and it is also proper that they should put sufficient faith in the present Government and support their programme.”

* THE HON. SRI C. J. VARKEY :—“Mr. Speaker, I have listened with interest to the various points of criticism levelled at the proposed Bill. According to me, the burden of all the complaints was that the present Government were taking away,

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one by one, either the existence, or the powers, of popular institutions. Perhaps, those members were not able fully to realize the implications of one or two references that I made, when I sought the leave of the House to introduce the Bill. We have been considering the question of a substitute, to be introduced not by statute. If we have come before this House with the proposal to abolish Educational Councils, it is because the Councils are statutory bodies created by statute and can be destroyed only by statute. But, in the case of the committees which are proposed, as we do not intend making them statutory bodies, we might as well create them by departmental rules. With regard to these bodies which will be created, I may just assure my hon. Friends who have raised the point, that their constitution will be more popular than that of the institutions which we are now removing. Those hon. Members who referred to that fact, or who complained in this respect, must realize that the Mover of this Bill has not been in office even for a fortnight, and could not therefore come here to-day with a clear-cut scheme. However, one thing I may say, that is, that, while very few M.L.As. and M.L.Cs. are enjoying the privilege of participating with the Government in the administration of the Education department through these Educational Councils, every one of the M.L.As. and M.L.Cs. will hereafter get that privilege under the new constitution.

"I do not know, Sir, that my hon. Friend, Mr. Krishnamachariar, was so averse to hearing parables. Some of the greatest teachers in the history of the world have been talking and teaching in parables. Every one has not got that intellectual acumen of my hon. Friend. Therefore, I thought that for brevity's sake, I could give one or two parables in order to make my meaning more clear. And in spite of the unwillingness of my hon. Friend to hear parables, I will continue to use them."

MR. SPEAKER:—"His objection was distinctly for government by parables."

* THE HON. SRI C. J. VARKEY:—"There is no meaning in saying 'government by parables.'"

"It was said by my esteemed friend Mr. Schamnad that the Government could have brought forward a more perfect and comprehensive Bill. I do realize the force of that view; but as the official year is beginning on the 1st of April, our Budget must be ready, and our organization—or rather our reorganization—of the administrative machinery must be ready by the time the new educational year begins in June next. We want a few months of readjustment; and therefore it was that we precipitated this measure which may well be regarded as resting on a sound basis. In fact, this was referred to by Mr. Schamnad as one of

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many experiments. Not only the life of individuals, but the life of governments is one of experiments. We have been experimenting with the District Educational Councils from the year 1921 onwards; now, we shall experiment without the Educational Councils and with something better than these Councils.

"I am sorry I could not follow my hon. Friend, Mr. Palat, who spoke in his usual way, and therefore it was not clear. (Laughter.) But I could make out one or two points that he mentioned. One of them I have answered already, viz., that the M.L.As. and M.L.Cs. will have their share of service on these new institutions. But the great charge that he levelled against us was the result of bad logic. Because we are removing the Educational Councils, it does not follow that we have condemned popular government and that we are unfit for self-government. We are going to have better self-government by means of better constituted popular institutions. That is all the meaning in the abolition of the District Educational Councils.

"I can well realize the fears or the apprehensions of our friends of the minority communities like Mr. Abdul Hameed Khan and some others who spoke on behalf of the education of the scheduled castes. You may rest assured, Sir, that whatever may be the attitude of any individual officer or individual committee towards this important question, the Government will always hold an even balance between the various interests. These officers, it has been pointed out, will be inclined to become autocratic. But you may rest assured that these officers will not be so autocratic as they had been hitherto, and because there is a popular government to control them, they will be made to realize that they are officers of a popular government and therefore people's officers. At the same time, I would like to point out that these educational officers will be controlled by the opinion of the Committee. The opinion of the Deputy Inspector or the District Educational Officer will be shaped by the opinion of the local committees that will be constituted. Therefore, there is not much room for the fear entertained by some hon. Members.

"My hon. Friend, Mr. Krishnamachariar, made a personal reference to me, namely, that, while I was speaking for the last eighteen months on educational reorganization, I came here to-day before the House without any clear-cut programme. He has, I am afraid, misunderstood my mission. During the past eighteen months, I was only going about the Province rousing people to think about their problems—I was not placing before them any clear-cut programme—so that teachers and managers, the public and the parents, might think about their problems, and instead of sleeping over them and leaving the Government to do everything for them, they might place their consolidated views before the Government later on. I do not like to prolong this reply to

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the debate by imposing a second speech of mine on this occasion; but I must mention with deprecation the reference to quantitative results by my hon. Friend, Mr. Krishna Rao. Indeed, quantity is to be taken care of, but if I am asked to choose between quantity and quality, I would prefer certainly quality to quantity. Of course, qualitative results and quantitative results are both necessary. Therefore, instead of simply creating new institutions or starting new schools with four classes, ten students and one teacher, I would rather eliminate them as inefficient, for quality is a thing which we would like to attain. Therefore, I would prefer the qualitative side of things rather than the quantitative.

"Sir, there is nothing more to add. But I am glad to see that there is a certain volume of opinion which is in support of this motion, but some are only apprehensive of what the substitute is going to be. To such members of this House I might say that they will be satisfied with the institution that we will be creating as a substitute for the present one, and you may rest assured that, in the distribution of grants in the recognition of new classes, or in the addition of new schools where they are non-existent, the Government will have a vigilant eye over the conduct of committees, as well as of their officers. Therefore, there is no ground to entertain any apprehensions on this matter.

"With these few words, I once more appeal to the House to support the fundamental principle underlying the Bill, namely, the abolition of the District Educational Councils."

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

Clauses 2 to 18 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

* THE HON. SRI C. J. VARKEY:—"Sir, before moving that the Bill be passed into law, may I point out that in clause 17, last but one line, I find that a letter has been wrongly printed, and may I therefore suggest an amendment? The word 'act' is put with a capital 'A' while it ought to be a small 'a.' It must be either a printer's devil or a clerk's devil."

MR. SPEAKER:—"It is evidently the printer's devil; and no motion need be made for that."

THE HON. SRI C. J. VARKEY:—"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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III.—MOTION.

REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE.

The Hon. Sri T. Prakasam rose amidst loud and continued applause.

MR. SPEAKER:—"No shouting please."

* MR. W. K. M. LANGLEY:—"Mr. Speaker, on a point of order, is it quite correct on this and on other occasions, for a number of people in the public galleries, to applaud when members rise to speak?"

MR. SPEAKER:—"I suppose the hon. Member has already heard that the Chair called the attention of members as well as the visitors not to shout. So, that observation of the hon. Member is irrelevant after the remark of the Speaker."

* THE HON. SRI T. PRAKASAM:—"Mr. Speaker, I beg to move—

'that the Report of the Madras Estates Land Act Enquiry Committee be taken into consideration.'

Sir, two months ago I presented the Report on behalf of the Committee appointed by this House to enquire into the relations between the zamindars or the landholders and the ryots. The Committee owes an explanation to the House for the time taken by it to present the Report. Nearly 14 or 15 months were taken to present the Report. That was due to the fact that the Committee toured the Presidency—two centres in the north and two centres in the south, the fifth one being in Madras City. All the witnesses that presented themselves for examination were examined; documents were received and after the closing of the enquiry the Committee took time to suit the convenience of all the members and then completed the Report. No time was therefore wasted; every day was utilized for the purpose as far as possible, without prejudice to other urgent work. Therefore, Sir, this House should not be under the impression that time was taken unduly. We were aware, Sir, that while we were investigating into the matter, there were comments, impatient comments, complaining about the time taken, but we had to discharge our duties without being troubled by the premature comments.

"Now, Sir, before the presentation of the Report, one section apprehended that their interests were affected and wanted that this Report should be kept secret and confidential. That was done in the Committee itself but we could not do any such thing, because the Committee was asked by this Assembly and the Council to do a certain work and present the Report to them. Soon after the publication of the Report, naturally comments were made. The publication was intended for comments and criticisms, so that all aspects might be examined and mistakes either by way of commission or omission might be corrected.

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5-15 P.m. "There were, perhaps I should say there are, conservatives and liberals and nationalists in this country, as there are in other parts of the world. The conservative section condemned the Report instantaneously saying that it is unscientific, revolutionary and expropriatory. There was another section that was equally anxious to give out its opinion. That was a section that approached the question from their own point of view, saying that what is contained in this Report as the majority findings was not sufficiently good for them.

"I have referred to these facts before I deal with the subject, because it is my desire and the desire of the other members of the Committee as a whole that this House which is a representative House, which represents the people of this Province with full responsibility, should examine this and point out the errors. I for one would submit to this hon. House that if there is anything revolutionary, if there is anything expropriatory, I would be ready to correct it myself. As for those who form opinions before they could have any time to read through the pages or to look into the reasoning with a view to judge whether there is anything revolutionary or expropriatory in it, I am only anxious that they should at least at this stage examine the recommendations a little more closely and see whether they can yet justify their statements that these recommendations are expropriatory and revolutionary. I know that if a socialist, as he is called to-day in this country, were in office and if he should be responsible for this Report, the cry will be raised that this is revolutionary because it is a socialist that has come into office and it is a socialist that has drafted the Report. There is nothing of Moscow in this. I am absolutely certain that whatever may have been the adverse opinions formed by some of the members in this House, the House will have the patience to go through the whole history of this now and come to a conclusion whether there is anything of the socialist recommendation in this or even whether the Report reflects the notions of any political party. I am hoping that by placing the material before hon. Members of this House I shall be able to convince them that the recommendations are not revolutionary; that they are not extreme recommendations, nor are they expropriatory; but that they are recommendations which demand of this House the barest of justice—justice which had been denied for some reason or other for a very long time.

"Taking the recommendations, it might at first sight strike some: 'What is this? After 138 years this Committee, the Estates Land Act Committee, appointed by the Legislature of Madras, comes forward with a recommendation that the rates of rent that prevailed at the time of the Permanent Settlement in or about 1802 are fair and equitable rents and ought to be adopted now.'

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It is natural that it should so strike anybody at first sight. If I should take hon. Members of this House back to the year 1802 and trace the ancient history, their patience might be exhausted; I should be committing a mistake if myself and members of the Committee should have taken it into our heads to attempt to do it. It is not as if we are disturbing through these recommendations for the first time the rights that had existed and had been recognized as the rights of the landholders throughout this period. We have not done any such thing. We are not asking hon. Members of this House to ignore the rights that had vested in the landholders between 1802 until now and divest them of it. We are not making any recommendation that the rights that had been forgotten, that had not been referred to by anybody else during these 138 years, should be restored now. I am submitting that what has been recommended in this Report was sanctioned in 1802 and perhaps even before 1802 and has been maintained since then as the correct position under the law and was not altered for at least 63 years—not only not altered for 63 years but had been maintained unaffected by any legislation that has taken place even after that 63 years. Of the legislation that was passed in 1802—the Permanent Settlement Regulation, the Patta Regulation, the Karnams Regulation and four or five other Regulations, all were passed on the same day, I think 13th July. The Permanent Settlement Regulation is in force even to-day. The Patta Regulation which was later repealed was in force until 1865. The rights of the ryots that had been recognized under the Patta Regulation from 1802 to 1865 were not disturbed by the passing of the Rent Recovery Act of 1865. They were not disturbed at the next attempted legislation of 1908 either, the Estates Land Act. On the other hand during those two periods of legislation, the rights that existed in 1802 were recognized in plain terms.

"Therefore, I am submitting through you, Sir, to all hon. Members of this House that the recommendations of this Committee are based on facts, solid facts, which cannot be denied by any one. This position that the rates settled in 1802 under the Permanent Settlement Regulations were settled in perpetuity, permanently and unalterably, was recognized not by any Indian gentleman, not by any extreme politicians, but they were recognized by the Madras Government, by the Board of Revenue and by highly placed Members of Government, who introduced the Bill of 1863, which matured ultimately into the Rent Recovery Act of 1865 and the Madras Estates Land Bill of 1905 which ultimately became the Estates Land Act of 1908. Besides these two periods when the Bills matured into law, there were other occasions when Bills were introduced by the Government, the Select Committees' reports were passed, the Bills were amended by the Select Committees, but for some reason or other those Bills were dropped.

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p.m.

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" I will trace the growth of the rights of the ryots for the information of hon. Members. In 1865 the Rent Recovery Act was passed. The Bill was introduced in 1863; in that Bill clause 10 (which is printed in the Appendices volume for the information of hon. Members) was bodily copied from section 9 of the Patta Regulation, under which the rights of the ryots were secured as permanent and unalterable. But by the time it became an Act, that section 9 of the Patta Regulation did not appear in the form in which it appeared originally in the Bill. Similarly in the next legislation of 1885, the rights of the ryots recognized under section 7 of the Patta Regulation were discussed. They also copied some provisions from the Bengal Land Tenancy Act with regard to enhancement of rent. Protest was entered by the Revenue Board, by Mr. Crole, who was not yet a Member of the Government in 1885. On account of the protest entered, that Bill was dropped. Thirteen years later, in 1898, another Bill was introduced by the Government. The hon. Member who introduced the Bill was one Mr. Grouse; but by the time it reached later stages, he was no more, and Mr. Crole was in charge of it. Mr. Crole's speech has been printed, and a copy of it has been circulated to all hon. Members. In 1908, the Estates Land Bill was introduced by Mr. Forbes. His speech has been printed as an Addenda to the Appendices and circulated to-day. And whatever has been written in this report in support of the rights of the ryots that had been confiscated right through, was referred to by the hon. Mr. Forbes. Therefore, what we have stated to-day in this Report is not a new thing invented by us; it is not a thing which is put forward for the first time to startle this world.

" What happened, Sir, at the time of the Permanent Settlement? As I said before, on 13th July 1802 the Permanent Settlement Regulation and the Patta Regulation were passed along with other Regulations. What happened at that time? What is the meaning of this Permanent Settlement? If that is understood, Sir, it would be easy for hon. Members of this House to understand whether the present attempt to restore the ryot to his rightful position is expropriatory or not. It would then be easy for hon. Members to understand whether the Committee is really attempting to expropriate the rights of the landholders, or whether it is the ryot that has been expropriated during all these 138 years, or at least during half that period.

" What happened at the time of Permanent Settlement Regulation was this: The Government was in difficulty—the East India Company was then the Government; they were trying to collect their revenue from the ryots by employing some persons as their agents who were landholders or zamindars before 1802. They were not able to make their agents—these landholders—render a proper account to them of the revenues which they had to collect.

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The Circuit Committee Report will show you—the passages have been given in the Appendix—the state of the Government, the state of the landholders and the state of the ryots. A clear description was given to the effect that the Government had been cheated of their moneys by the landholders, who were entrusted with the duty of collection; that the ryots were being cheated by the landholders in their turn. There was no fixity of rent; there was no fixity of tenure; the zamindars who misconducted themselves in this respect were freely removed by the Government, and others were substituted, so that the landholders' position was insecure; they had nothing like a proprietary right in the business, the ryots also were in the same position. So wise men who were in charge of the administration of the country thought that all these must be put a stop to. You will find, Sir, in these pages a description given by the Circuit Committee, showing the abject position to which the ryots had been reduced, they being left nothing which they could call their own. Therefore, they said, 'If this country should prosper, we must do something for the people here.' Noble intentions and honest efforts made by them at that time to have a proportion fixed for the land revenue! They said, 'We must put a stop to this exploitation of the Government by the landholder, and the ryots by the landholder. This country will go to the dogs if we do not do something now, immediately, to enable the ryot to have produce sufficient to eat for himself and his family, and then something more for the development of manufactures, industries and commerce of this country.' Therefore, they said that that was the object of the Permanent Settlement Regulations. It is not one Regulation, XXV of 1802 alone.

" With that object they started; and what did they do as the first step? They said that in the previous periods, the Hindu and the Muhammadan periods, there were certain fixed proportions of the produce of the land collected as land revenue; but now they were all uncertain; nobody's position was secure. So they said they would put an end to all this uncertainty; and that could be done only by making it clear that out of the produce from the land of the ryot, the Government's share is fixed. In the northern districts, half the gross produce was fixed as the Government's share or revenue. In the southern districts, half the net produce was fixed in certain estates. After doing that, what is the next step that was done by this Permanent Settlement?

" In fixing half the gross produce in the northern and half the net produce in the southern districts, they said, 'Here we are appointing the landholders as our agents for collecting the revenue under the Permanent Settlement.' The first step taken by the Government was to get from the ryots half the gross or half the net produce and out of that they said that two-thirds should go to the Government as peshkash. The ratio that had been fixed was

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permanent and unalterable. After fixing two-thirds as peshkash from out of the permanent revenue fixed by the Government, they said the balance of one-third must be taken by the landholder towards his remuneration for doing the collection work. This is what was done at that time. They were very generous. Thinking that this might not be sufficient consideration, sufficient inducement to the landholders to do their work honestly, they said, 'Peshkash is calculated on the gross produce or the net produce of the cultivated land. There are yet uncultivated lands in those estates; those uncultivated lands might be brought under cultivation hereafter and that right is with the Government to-day. We are assigning away that right also to the landholders to-day under this Permanent Settlement. So in exercise of that right assigned to them, the landholders shall be free to collect rents on the waste lands that are brought under cultivation. That meant that they might take rents on these waste lands subsequently brought under cultivation, without making themselves liable to pay anything on it as proportionate peshkash to the Government. So, for this double consideration the assignment was made.

"Now the point is, when the land revenue was fixed permanently and when out of that two-thirds was taken by the Government and the balance was assigned to the landholder, has the landholder a right to enhance that one-third that was assigned to him from time to time as he pleased? The peshkash, two-thirds of the land revenue that was fixed permanently and unalterably, is permanent from that date until now. The landholder has been enjoying that right of paying a fixed and unalterable two-thirds of the revenue fixed permanently as peshkash to the Government, whereas the other one-third that was given to him for his allowance, he has gone on increasing from time to time. This is not proper. That is what was stated whenever legislation was attempted, and I shall be taking you, Sir, now to what the hon. Mr. Crole said about this arrangement of the Permanent Settlement. I am not making a merely *extempore* speech to canvass votes or any such thing. The condition must go to your minds. You must be the judges to go into the whole thing and examine it and see whether there is anything extravagant that has been placed before this House to-day. You will find the statement of Mr. Crole on page 2 of the paper circulated to-day.

'What the Government did in 1802 was this. It was, quite properly, assumed that all interests in land were confined to two parties, namely, the Sovereign power and the cultivator. It then proceeded to make a contract with a third party, called a zamindar. Under that contract, the zamindar simply took the place of Government in respect of the collection of revenue, which was calculated on the average of the receipts obtained during the management of the Company's officers, or under their supervision, extending over a series of years. Out of these receipts, roughly, two-thirds were to be paid to Government as a peshkash, which was unalterably fixed for all time, and the remaining third was to be retained by the zamindar. In other words, if 50 per cent of the gross produce

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was set aside for the ryot, out of the balance, 35 parts went to Government and 15 to the zamindar. The shadowy, undefined claim of State "proprietaryship" of the soil was likewise transferred to him. But the ryot remained quite unaffected by the terms of this contract. It could not, of its own operation, affect the rights of existing cultivators, any usage or custom tending to protect those of future cultivators, or any power of the legislature to interfere from time to time for the protection of those rights. The ownership of the soil was not transferred under the contract, for Government could not pass to the zamindar what it did not itself possess. The object with which the Government entered on the above transaction was recorded at the time in terms clear beyond the slightest risk of misapprehension. I would refer, first, to the opening paragraph of the sanad itself; "It is known to the zamindars, talukdars, mirasidars, ryots and all cultivators of land in the territories subject to the Government of Fort St. George that, from the earliest until the present period of time, the public assessment of the land revenue has never been fixed; but that according to the established practice of Asiatic Governments, the assessment of the land revenue has fluctuated without any fixed principles for the determination of the amount; and without any security to the zamindar, or other persons, for the continuance of a moderate land-tax. On the contrary, frequent enquiries have been instituted by the Ruling Power, whether Hindu or Muhammadan, for the purpose of augmenting the assessment of the land revenue; and it has been customary to regulate such augmentations by the enquiries and opinions of the local officers appointed"

"This was said by the hon. Mr. Crole in 1898, exactly forty years back. Seven years later in 1905, the hon. Mr. Forbes who introduced the Estates Land Bill referred to what has been read out to the House now. These remarks in the hon. Mr. Forbes's speech are found at page 18 of the Addenda to the Appendices supplied to the hon. Members to-day. He said:

. . . The State in its Sovereign capacity no doubt exercised the right, as the preamble to Regulation XXV itself recites, to vary the assessment of the land revenue from time to time, but the action of the State, though determined by political necessities, is accommodated at any rate presumptively The confiscation of recognized and acknowledged rights must have been sooner or later the inevitable result of an unfettered power to deal with the ryot. Nor could the zamindar have any ground of complaint that his rights were so limited. His settlement left him one-third of the land revenue as then assessed for profit and as a margin against loss; while the peshkash payable under the compact was unalterable and not subject to enhancement, as Lord Cornwallis said in his Minute of 1790: "The rent of an estate can only be raised by inducing the ryots to cultivate the more valuable articles of produce and clear the extensive tracts of waste lands which are to be found in every zamindari."

"Lower down in the next paragraph Regulation XXX of 1802 has been referred to, namely:—

'The Government therefore followed the only course which they could justly take in reserving to themselves by XXX of 1802 the right of interfering to regulate'

"Page 34 may be looked into. The passage runs as follows:—

Under the Bill as now framed, however, enhancement is allowed under certain conditions; and as years go on and as circumstances change, it perhaps may be necessary to allow greater latitude to the landholders in this direction. Personally, I have no great sympathy with the zamindar in demanding more than his pound of flesh. At the permanent settlement, the compact with him gave him one-third of the assessed

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assets as his own. He was to collect the Government revenue, pay over two-thirds and retain one-third. Even at the time of the permanent settlement, that one-third must have been worth a great deal more. The country was so little known that the assets could not have been calculated on any very exact scale. What the value at the present day of that compact is cannot be very easily computed; but we know that it has risen enormously and Sir Bhashyam Ayyangar, five or six years ago, in the debates on the Village Officers Bill, estimated that the zamindar then took at least two-thirds of the assets.

m. "These statements of these responsible Members of the Government about the fixity of tenure and the fixity of rent or the balance of revenue are based upon what have been declared before the Permanent Settlement Regulations and after the Permanent Settlement Regulations by the promoters of the Permanent Settlement, by the instructions given to the Collectors and by the special commission reports before each Permanent Settlement in all parts of the Presidency. This two-thirds and one-third basis was referred to there. In the Collector's instructions you will find everything given in such detail that the Court of Directors and the Governor-General here are explaining the object of the Permanent Settlement.

"It was stated that the primary object of the Permanent Settlement was the emancipation of the ryot who had been suffering very much in those days. Now the landholders stand discontented though it is not so. 'The Permanent Settlement Regulation XXV of 1802 was passed only for our benefit. It was only the peshkash that was fixed permanently and not the balance of revenue.' That is the contention of the landholders. That was the contention of the predecessors of the present landholders at the previous legislation in 1898 when Mr. Crole made his speech, the copy of which is in the hands of the Members to-day. The Raja of Bobbili got up and made a thundering speech, taking item by item the speech of Mr. Crole, characterizing every one of those statements as revolutionary and expropriatory. Mr. Crole had to start by saying that they were neither revolutionary nor expropriatory. This is a very conservative statement of a very conservative officer. That is how he started explaining it. Taking each item, the Raja of Bobbili said, 'We would be ruined if this Bill should become law.' The Bill of 1898 as introduced, in clause 17 stated in express terms that enhancement clauses would apply only to lands on which the land revenue assessment was not fixed in perpetuity. That was when it was introduced and went up to the Select Committee over which the Hon. Mr. Crole presided. He revived section 9 of the Patta Regulation. He introduced it as one of the clauses in the Bill as amended by the Select Committee. What we have now recommended, Sir, is what the Patta Regulation XXX, section 9, prescribed, viz., what should be done in case a dispute should arise in a court of law even after fixing

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the land revenue permanently, fixing the peshkash permanently and fixing the rent permanently. If there should be disputes, disputes there are, because in the human world whatever one might do, still litigation might persist in such a case what should be the decision of the court? This is found in Patta Regulation, section 9, which is printed on page 105 of the Appendices. Section 9 runs as follows:—

'Where disputes may arise respecting rates of assessment in money or of division in kind, the rates shall be determined according to the rates prevailing in cultivated lands of the year preceding the assessment of the permanent jummah on such lands; or where those rates may not be ascertainable, according to the rates established for lands of the same description and quality as those respecting which the dispute may arise.'

"This Patta Regulation was passed at the same time at which the Permanent Settlement Regulation was passed. In the Permanent Settlement Regulation they declared that the peshkash portion of the revenue that was permanently fixed, should be fixed but as regards the balance the landholder is given the right to collect. That was also part of the permanently settled arrangement having regard to any dispute that might arise and the decision which any court of law should give. The presiding judge should not go into the evidence adduced by the powerful man. His only duty is to go back to the rates of 1801, because the rate of 1801 should be the guide. This section 9 of the Patta Regulation was brought back by Mr. Crole and ten other members, into the Bill as modified by the Select Committee. Because it is not known people to-day believe there is something revolutionary and very untoward in the proposal made now. In 1898 it was made. As I have submitted to the House, in 1863 in the Bill as introduced in clause 10, this section was introduced bodily there. Until 1865, the Patta Regulation was in force. The law consistently was there until 1865. It was in the Bill as introduced. The Act was taken not to have interfered with this right but some provision was made for the purpose of making collection of the money. In 1898 also it was introduced there and Mr. Forbes when he introduced the Bill of 1905 also quoted this. I do not wish to quote as in a court of law. I would say the documents are straight in the hands of the hon. Members of the House and he quoted sections 7, 8 and 9 and stated that that was the correct law and the correct position. But somehow by the time the Bill became an Act these things disappeared.

"Now what is proposed also is this. Now this Report should not even see the light of day. That was the idea of the landholders after it was signed and before it was signed also. We have merely placed the facts, removed the coverings that had hidden the facts. We have not created anything. We have

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simply divulged the whole secret by referring to the speeches of the great men who wanted to do good to the country. What is it that has gone on for all these 138 years? The peshkash has been paid permanently without altering or adding a single rupee to it, but the balance of one-third had been increased from time to time. How? What is the peshkash that we are getting to-day? There are 1,659 estates in the Presidency, big and small. The total peshkash that is paid is only 44.1 lakhs. But the total rent to-day is 2 crores 13 lakhs. Forty-four lakhs of it is peshkash. You are all business men. You know how it works out. If only one-third was assigned to the landholder as consideration for his collection, you can work out the figure without going back to 1802, without ascertaining the gross produce and without estimating the gross produce. It is simply a rule of three. If only half of 41 lakhs had been collected from the ryots what would have been the position in the country? You could just imagine. They could have been flourishing as anticipated by the authors of the Permanent Settlement Regulation. They would not have been compelled to borrow from sowcars and pay to the landholders who were unconscionably raising the rates of rent. How has the agricultural indebtedness come to 200 crores to-day when it was only 41 lakhs in 1840? (Mr. G. Krishna Rao: Ratio).

"The hon. Member Mr. Krishna Rao says, 'ratio.' I know all about ratio. We have written about that also in this report. That ratio has nothing to do here. Here we have facts and figures. We have shown how the landholders who have under taken the act of collecting the money have abused their place and how they failed to carry out works for improving agriculture like irrigation works or any other work. Reports were called for from the Collectors, reports were called for from the landholder themselves to show how much money had been spent by the landholders on these estates. As Mr. Crole said we could not assign to landholders what we did not possess. We did not possess the right to sit in the soil and eject the ryot from there. We have only assigned the right to collect the tax. Beyond that we have not done anything. So when that was assigned and when he was given the sovereign right of admitting a person to the waste land and in consideration of that he was given the right to collect that money as rent for himself without paying peshkash, when all that was done, what have the landholders done during the past 138 years? In all the 18 volumes you will find the Collectors reports and the reports of the landholders. What was the amount spent by them? The Government have also been collecting land revenue from the ryotwari lands and spending them on the administration, by having the police and other establishments and also

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by spending money on public works such as irrigation, etc. Compare what the Government have been spending in all these works and compare what has been done by those landholders who had been enhancing this rent in this manner.

"Therefore, they have failed in the discharge of the elementary duties assigned to them at the time of the framing of the settlement. You may just consider, Sir, now that out of Rs. 41,00,000 over Rs. 11,00,000 is paid by the Vizagapatam district alone; and in the Circars in which this permanent settlement was first introduced from Bengal, out of Rs. 41,00,000 more than Rs. 21,00,000 is collected even to-day as peshkash from those four districts only. I was submitting, Sir, that the Patta Regulation section which is the key to the whole matter now has been recognized to be the correct position from 1802 until 1908. I say until 1908 because the promoter of the Estates Land Bill expressly stated in unmistakable terms that whatever might have been his amendments, with which I shall be dealing so far as the Estates Land Act is concerned, the real position has been admitted from 1802 until now. So, what is stated here is not a new thing invented by us. In regard to the Special Commission Reports about the permanent settlement I might be permitted to say a few words more to explain the position.

"This permanent settlement was not made by the Governor and his Council sitting in Fort St. George overnight. For this permanent settlement preparations had been going on for more than three or four years before that. It was in that connexion first the declarations were made by Sir John Shore, who was the gentleman that came to Madras, to this Fort St. George, when Lord Clive was the Governor, presided over the meeting here and then drew up the instrument of instructions to Collectors laying down the rules and principles and the method that should be adopted with regard to the permanent settlement. He brought all his previous experience in Bengal to bear upon his work in Madras when the permanent settlement was introduced here. In Bengal, for over six years permanent settlement had been in force. Before that date, there were defects discovered, and the Court of Directors from London were telling, 'Look at this Patta Regulation, ask them to prepare the instructions to Collectors and prepare the permanent settlement of Madras having due regard to all the defects discovered in Bengal.' This is why Madras has been standing alone with regard to this permanent settlement. This is why the Governors and Boards of Revenue and officers, all the names I have given, have been standing by the ryots' right from the beginning until 1908 so far as they were concerned. It was only the others who had to pass the same law or other legislation— whoever they were I do not want to refer to them—it is they that

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allowed this measure to go down each time that the measure came up. Then, what happened? How was the permanent settlement done? You please mark this position, the remarkable position, the method right through from the beginning to end, the one systematic method adopted by the English Government then. What was it that was done? They wrote from there—the Court of Directors wrote that even with regard to Bengal, permanent settlement should not be effected unless and until all this revenue had been fixed permanently and unalterably, until pattas and muchilikas and sanads and kabuliyats were exchanged between the zamindars and the Government on the one side and the pattadars and muchilkadars on the other side; until all these things are completed permanent settlement should not be considered as being effected. Then the Court of Directors wrote: 'What are you doing? Have you done this; have you made sure that the revenue that has been fixed permanently and unalterably has been agreed to by the land-holders? If they have agreed to that, have they executed the sanads and kabuliyats before you enacted a regulation? Have pattas and muchilkas in favour of the ryots been secured? Until then you shall not enact this legislation.' It was after making sure of all these things that they wrote from here to the Court of Directors: 'We anticipated it and we have taken every care. And these were executed on the lines indicated in the instructions to Collectors which is printed as one of the Appendices. In the instructions to Collectors, Sir, you will find practically the substance of the sections of the Permanent Settlement Regulation and the Patta Regulation of 1802. They merely copied it. When once the whole scheme was placed before them, all the sections were placed there, the method how it should be worked out later was pointed out there. It was these very things that have been embodied in the Permanent Settlement Regulation XXV of 1802 as sections. In the Patta Regulation also they find a place. So, in pursuance of that, sanads and kabuliyats had been exchanged between the Government and the landholders and the pattas and muchilkas had been exchanged between the zamindars and the ryots.

"Now, I am submitting, Sir, that because they have not looked into all these matters they have been imagining that their rights, their independent rights, are existing there. They also believe that the sudden fall in the revenue or in the income of the zamindar is an injustice to them. It is not so. I am stating now that what has been stated in the Permanent Settlement Regulation, what has been stated in the Patta Regulation, is bodily introduced into the sanads that were issued to the landholders. The preamble as a whole explains to you how the matters were going on before the permanent settlement was undertaken, how the Government was being cheated, how the ryots were being ruined;

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all these things are stated not only in the instructions and in the special Commission Reports but also in the preamble to the Permanent Settlement Regulation and in the preamble to the Patta Regulation. Then it is stated there how they should conduct themselves. Any lawyer when he reads the section would be reading only the section of one Regulation without knowing its connexion with other Regulations. That is how the difficulty arose apparently. Now, as I have stated to you all, Sir, what do you find to-day in the sanad issued by the Government to the landholders and in the kabuliyats issued by them? How can they get out of the agreement they have entered into in the sanads and the kabuliyats that had been exchanged between the Government and the landholders. To-day they are there. It is on the basis of that sanad that the landholder says, 'My peshkash is permanent and I am free to do as I like, to enhance the rent against these unfortunate fellows.' I say it is not open to any landholder, it is not open to any zamindar to say on the basis of that sanad that he is entitled to do any such thing because he has bound himself to be bound by the Regulations passed by the British Government. That is stated in clause 7 of the kabuliyat. I will take just for example one sanad, the sanad issued to the Zamindar of Anakapalle, page 15 of Part I, Landholders' Statement. I am just giving the framework of the sanad. In paragraphs 1 and 2 they have reproduced the preamble to Regulation XXV of 1802. Paragraph 3 of the sanad has reproduced section 2 of the Permanent Settlement Regulation. Paragraph 4 has reproduced section 4 of the Permanent Settlement Regulation; paragraph 5, section 6; paragraph 6, section 7; and paragraph 7 has reproduced section 8 of the Permanent Settlement Regulation. It is this paragraph that I want the hon. Members of this House to look into to show how they are bound to-day not to go out of the law that was laid down for the benefit of the ryots. In paragraph 7 it is stated, 'You shall be at free liberty to transfer without the previous consent of the Government or of any other authority to whomsoever you may think proper either by sale, gift or otherwise, your proprietary right in the whole or in any part of your zamindari; such transfers of your land shall be valid, and recognized by the Courts and officers of Government, provided they shall not be repugnant to the Muhammadan or the Hindu laws, or to the Regulations of the British Government.' That is the clause and you will find it in every one of the sanads issued to all these Permanent Settlement estates. There, after reproducing all the sections of the Permanent Settlement Regulation they have agreed to be bound by the Regulation framed by the Government, Regulation XXX of 1802, the Patta Regulation which is a counterpart of the Permanent Settlement Regulation

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under which the rights of the ryots were protected in the same manner in which the peshkash of the zamindars was protected under the Permanent Settlement Regulation. The sanad is there now. Under that sanad he is bound by the Regulation passed by the Government then. In the Patta Regulation (section 9) it is stated that where disputes arise respecting rates of assessment the Presiding Officer must go back, without inquiring into them, to 1801, because it is a sacred document for us and we have entered into a contract with all these people. Every one of the sanads has got it to-day. Nobody has seen these things. Even in the lawyers' eye it was not noticed, nor even by the Courts which are called upon to interpret sections as they are expounded by the lawyers' who appear there. I have gone back the whole period and I have placed before the House to-day what has been stated by the hon. Members who are in charge of the legislation to the benefit of people sometimes and to the detriment of the people sometimes.

“ On the other side there is the picture of the law courts and the decisions given by them. How the trouble was started in the law courts, I am going to deal with shortly. But for the law courts and one of their interpretations given in Chokkalingam Pillai's case—it was over-ruled by others—so much damage would have been done. And what happened? It was only, thanks to Sir Subrahmanya Ayyar whose statue you find north and Sir Muthuswami Ayyar whose statue you find in the High Court, these two men who discovered the whole thing when it was going on after 1865. Up to 1865 or 1861 when this High Court was established, justice was being meted out by what is called the Sadar Adalat court. It was presided over by judges who had lived here, who had studied the conditions of the ryots and of the people generally and who had been responsible for the framing of the Permanent Settlement Regulations and for the preparation of all the materials for framing the Permanent Settlement Regulations. These were the judges who presided over the Sadar-Adalat court till 1861. There was no difficulty at all so long as the Sadar-Adalat judges who had taken part in all these matters staying here for a long time and knowing the Common Law of the land were there. After the High Court was established, the judges began to come from England to preside over this High Court. They were Englishmen. Englishmen did not know the common law of this land. They did not know the people of this land. They did not know how we were living in this country before the British Government established themselves here. So the hon. Mr. Forbes stated clearly that there was a breach. He has stated in the most possible terms that but for the trouble created by the English judges who came to this land and who were ignorant of

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the common law of this land, there would have been no trouble. You will ask, how it happened like that. In England the tenures were different; the land systems were different. They knew only the relationship of landlord and tenant. You must keep in your mind the difference in relationship between a landlord and tenant and that between a landholder and ryot. Landlord and tenant relationship subsists in the Madras City. The tenants live in the houses of the landowners. The ownership is with the landlord and the tenant is the person who lives there under an agreement for a certain period and who, as soon as the agreement period is over, vacates. It was the law governing such a sort of relationship that was brought here by the judges. It was that law that was introduced into these decisions of which Chokkalingam Pillai's case is an example and a most remarkable example as to how one little case misled everybody. It was not a case between a landholder or a zamindar and a ryot. It was a case between a Government ryot and his sub-tenant. And, how did this confusion arise, you may ask, if the dispute was only between a Government ryot and his sub-tenant. What has that to do with a zamindar or landholder and his tenant? I tell you that it was due to the mischief done by the legislation of 1865, the Rent Recovery Act. Section 1 of that Act defined the landholder as a zamindar, a shrotriyamdar, an inamdar, etc. Clause 2 to section 1 they added for the first time. For the collection of revenue, they added another class of landholders, viz., the Government ryots. These ryots in clause (2) of section 1 of the Act for the first time, holding ryotwari tenures under Government, were tacked on to the definition of landholder. And then the confusion arose. So, Chokkalingam Pillai's case was actually a case between a Government ryot and his tenant. It was perfectly correct as between a Government ryot and his tenant. The ryot was a free man. He enhanced the rent because he was a freeholder. He held absolute rights. He dictates terms like the landlord in England. His position is different. Then a little later came the Fakkir Mahomed's case. In that case also there was trouble, because these two were clubbed together under section 1 of the Rent Recovery Act. The presiding officers of the Court who came from England and who brought their law into India and who were ignorant of the Indian Common Law applied section 1 of the Rent Recovery Act to these cases. It created trouble to the ryots until the matter came up before Justice Muthuswami Ayyar first and later before Justice Subrahmanya Ayyar. Justice Subrahmanya Ayyar expounded the whole thing and adjusted all these things saying that all this was due to the importation of the relationship of landlord and tenant into our tenures here. Our tenures are different. The ryot has got a right of his own to the soil. Then we have Sir Thomas Munro's Minutes discussed in 20 Madras.

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"When I referred to that case as the leading case even to-day, the landholders in their memorandum say that Sir Subrahmanya Ayyar's view is wrong and similar views held by others are also wrong. I do not blame them because they have to defend themselves! What I say is that the legal position in regard to this matter was clearly stated by Sir Subrahmanya Ayyar. The later cases were disposed of as they came up, some this way and some that way. I have examined them all in the chapter relating to case law. But here I must tell you all, you are not a law court; you are not hearing the arguments of an Advocate-General; you are not hearing the arguments of the leading lawyers of Madras. (A voice: 'Making laws.') You have got the power, the sovereign power to-day, to say in regard to all the decisions given hitherto whether given by munsifs or High Courts or Privy Council, if they have gone wrong, if they have decided cases on imperfect material or on no material at all or on mere presumptions of these things; it is for you to set at rest all doubts by exercising your sovereign power. ('Hear, hear.') That is how this matter has come before this Legislature to-day. Therefore I say—and I am not trying to point out a difference between this case and that or to snatch a point by quoting some authorities and asking you to consider the balance of authorities—you should not interpret a section or a decision of this judge or that court; you should go to the bottom of this business and examine how it has been misdirected and how one party to a permanent settlement under which the rents were declared unalterable has been suffering and how one has been enjoying the benefit of it by paying a pittance of Rs. 41 lakhs as peshkash to the Government.

"Now, coming to the question of fair and equitable rent, we, the Members of the Committee, have tried to present to you the facts and all the complications that had arisen in a plain and simple form. When we say that section 9 of the Patta Regulation should be applied or adopted now, when we say, in other words, that the rates fixed permanently and unalterably in 1802 should be adopted as the proper rates now, they (the landholders) say that they are not the correct rates and that they are entitled to enhance the rents from time to time. How do they get that right? Where is that right? Can anybody imagine that when once the matter has been fixed permanently and unalterably, one of the parties can claim the right to enhance it? If this claim is right, where is the unalterableness in it? Where is the permanency in it? Every season or every year the rent was enhanced contrary to the permanent settlement and a serious breach was committed by the landholders. It is a running breach that has been committed from then until now. Now they say, and there are others who argue, 'Well, we have got a right to enhance the rents.' Now, I want you to examine this question of the right to enhance the rent, apart from the unalterable character of the permanent settlement

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of 1802. The Committee has attacked the Estates Land Act. It has been pleaded by some great men that the Estates Land Act is a perfect document, that it has provided for all reliefs for all parties, that we could only alter one section or two sections. But, to my mind, the Estates Land Act is a mysterious document in several respects and I am trying to show that mysteriousness to you. The Hon. Mr. Forbes, who was in charge of the Bill which became the Estates Land Act, used the term 'cist' instead of 'rent.' To-day, in the draft Bill that we have placed before you for consideration as a basis, we have substituted the word 'land revenue.' That is not our invention. We cannot claim to be so very intelligent or clever. We have merely copied it bodily from Mr. Crole's Bill of 1898, because it was the correct position. It was land revenue that was fixed permanently and unalterably and therefore it was that word was used. The Hon. Mr. Forbes said: 'The word "rent" has been the cause of so much trouble in this land, because it is not really rent that is paid by a tenant to a landlord in the English sense. It is part of the revenue; so let us substitute the word "shist." ' Shist is the revenue that is paid by a Government ryot to the Government. So, he said that he would put it in. But where does it appear in the Estates Land Act? You search for it. I have searched for it for some time. There is no such word as 'shist' at all there. Then what about enhancements? Enhancements were provided for under the Estates Land Act with the help of the Legislature at that time in section 30. Four grounds were given for enhancing the rent. These four grounds could not be found in the Patta Regulation of 1802. You cannot find them there because it was fixed permanently and unalterably. Therefore, no question of enhancement arose at all. No question of contractual relation also arose when the matter is settled permanently and unalterably.

"So, you will not find in the Patta Regulation any room for 6-45
enhancement of rent. The Patta Regulation was in force till 1865 P.m
and there was no question of enhancement of rent until 1865, and there could have been no question of enhancement of rent even in rent legislation. If only some of those well-meant people had not mixed up the question of ryotwari landholders with zamindari holders, then the question of enhancement of rent too would not have arisen. If that matter had not become the subject-matter of decision in a lawcourt on account of the dubious language used in section 11 of the Rent Recovery Act, the question of enhancement would not have arisen at all. But after all the Select Committee on the Rent Recovery Act agreed with the position that the Patta Regulation should be there in the Rent Recovery Act also. It was only in the final stages that section 11 of that Act came in by way of amplification when the Committee had been faced with two hostile elements with regard to the definition of

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the landholder in section 1 of the Rent Recovery Act. So in order to reconcile the two hostile elements, they had to provide something by way of reconciliation. So, there was no question of enhancement at all. Nowhere is it stated that it was intended to enhance the rent that was fixed at the time of the Permanent Settlement. Because several cases went up to the court, it was decided that the Rent Recovery Act should be amended and this clause for enhancement appeared for the first time in the Rent Recovery Act of 1865. Next when did that appear? It appeared in the Bill of Mr. Crole in the year 1898 as passed and not in the Bill as introduced. In the Bill as introduced section 19 clearly laid down that 'where an occupancy ryot holds the land for money rent not fixed in perpetuity, the proprietor may, subject to the provisions of this Act, institute a suit before the Collector to enhance the rent on one or more of the following grounds.' That is the section. You need not be (turning to the Opposition side) lawyers. Each one of you can clearly understand the meaning of the words 'where an occupancy ryot holds the land for money rent not fixed in perpetuity.' I have been trying to place before you facts to show that the rent fixed under the Permanent Settlement in 1802 was permanent and unalterable. In those cases where rents should be altered it should be altered only on the following grounds. What are the grounds? They are—

- (1) Rise in prices,
- (2) improvement effected by the landlord at his own cost,
- (3) improvement effected by the Government for general public good, and
- (4) fluvial action owing to freshes in the rivers which tends to make the land yield a greater production.

"On these four grounds only, rents could be enhanced. After many years, when Mr. Crole's Bill was introduced, he wanted to insert in the Bill, as introduced, the above four clauses with regard to enhancement of rent, and desired that those conditions should apply to cases where rents were not fixed in perpetuity. That Bill went up to the Select Committee and when it emerged therefrom, Mr. Crole brought section 9 of the Patta Regulation and wanted to introduce it. In section 16 he says with regard to the disposal of suits regarding land revenue, (1) in the case of any estates which have been surveyed by British Government previous to 1859 and assessed at a certain rate, that rate of assessment should be considered proper rate of assessment and (2) in the case of other estates the Collector shall adopt rates of assessment in money prevailing in cultivated land in the preceding year. He wanted to introduce a clause like that. He did not remove the clause with regard to enhancement of rent on account of rise in prices. He said, if the landholder had paid anything

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for improvement, that might be allowed. If the Government had done any improvement, that might be allowed. He took a middle course and he wanted to put in a clause to carry out his intention, and that was why he wanted to put in in that Bill section 9 of the Patta Regulation. So it would be clear from the above that there was really no provision for enhancement of assessment even in the Bill of 1898, i.e., Mr. Crole's Bill, as it was introduced. So, where is the question of novelty about it now? How can the objection that the measure now proposed to be introduced by this Government is intended to ruin the zamindars, stand? Of course I too feel and very much regret that the zamindars should have to forego their revenues which they have been enjoying for the last 130 years or so. But you must remember that there are only about 1,500 landholders in the whole Presidency; and if you consider that if a Bill is introduced curtailing their rights it would be greatly injurious to them, I ask, 'What about the millions of tenants under them who have now become bankrupts and do not possess even half of what they once possessed?' I know that all of them were holding lands at one time. They had something in those days. In my own younger days, I used to see small families owning one acre, two acres and so forth. All of them have almost lost their property. What will they do if they are asked to pay enormous rents?

"Now coming to enhancements, I would say that enhancement was first introduced in 1865 and it was intended then not to bind the permanently settled lands. Again, it was introduced in 1898 but, even then, it was intended not to apply such enhancement to permanently settled estates, because the Patta Regulation was there; it could not be said that the enhancement would apply to permanently settled estates, because the recognition of the principle of non-enhancement was present even there. Evidently what was done in 1898 had to be dislocated when disputes arose in law courts as between the landlords and the tenants. But it may be asked how the Estates Land Act of 1898 got those provisions which are found in the Patta Regulations? The Member who was in charge of that Bill at that time introduced those four clauses. After all, attempts were made, not by Indians, but by honest Englishmen to embody section 9 of the Patta Regulation in that Act and to restore the poor tenants to their original position. In spite of all that, you find section 13 (clauses 1 to 4) bodily taken from the Patta Regulation and inserted only in the Bill as introduced, and not in the Bill as modified by the Select Committee. However, all the four clauses are found in the present Estates Land Act and imagine, Sir, what is the effect of clause (1) of section 30 of that Act dealing with the right of the landholder to enhance the rent. On the ground of rise in prices, if the landholder had the right to enhance

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the rent, should not the ryot have the right to decrease it on the ground of a fall in prices? You do not find that provision anywhere in the present Estates Land Act, and such a provision was not introduced till a long time afterwards, i.e., for about 20 or 25 years. Now enhancements were made in all seriousness in the law courts on the applications made by landholders on the ground of rise in prices under the Estates Land Act. Take section 30, clause (1) which deals with the right of the landholder to enhance the rent on the ground of rise in prices. There is a proviso added to that section, prohibiting enhancement of rent in permanently settled areas. In spite of it enhancements were made in some of the biggest estates. I do not want to vex you by quoting provisions of law. But I would content myself by referring to section 30 which deals with cases of enhancement. This is what section 30 says:

'30. Where for any land in his holding a ryot pays a money rent the landholder may apply to the Collector to enhance the rent on one or more of the following grounds and no others:

(i) that during the currency of the existing rent there has been a rise in the average local prices of staple-food crops in the taluk or zamindari division:'

and there is a proviso added to that clause which reads as follows:—

'(a) Provided that if the rent be permanently payable at a fixed rate or rates it shall not be liable to be enhanced under this clause on the ground of a rise in prices.'

"You will therefore notice from the above that all the litigation that had been started against these ryots under the above clause of section 30 of the Estates Land Act for enhancement of rent on the ground of rise in prices was a wrong procedure. A great injustice has been done to the ryots by courts taking cognizance of such suits and deciding against them. Now what are the other three clauses under which the landholder can enhance the rent? Those are (1) the zamindar must have made improvement at his own cost; (2) Government's improvements and (3) fluvial action.

"Now I shall deal briefly about the right of the zamindar to enhance the rent on the ground of making any improvements himself. It was one of the terms of the arrangement at the time of the Permanent Settlement that the zamindar should undertake to improve the land in the best possible manner and the consideration for that was one-third of the revenue paid to him by the Government and also the extra allowance given to him by way of collection of rents on waste lands. Should not a share of the tax collected from the people be spent for the improvement

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of their lands? Now what do we do? We collect rent from people and we spend it for all the purposes of carrying on the administration of the country. It has been acknowledged from time immemorial that the Government are entitled to take revenue from the people, because the Government have to carry on their administration for the benefit of the people, maintain law and order and do everything for the good of the people. It is the duty of the Government to do everything to improve all works of public utility such as irrigation and other works. We have been collecting tax from the people all these years, and we are to-day collecting revenue in the Government areas. Are we increasing the land assessment on that ground? We are doing our work. The Public Works department is doing its work. Every other department is serving the nation by spending the money that is collected from the people. All the money that is being collected from the people is being spent for them. So what is the comparison between the Government and their ryots on the one hand and the zamindar and his ryots on the other?"

MR. SPEAKER:—"The Hon. Mr. Prakasam will continue his speech to-morrow.

"Before I adjourn the House, I should like to invite the attention of the Hon. Ministers as well as other hon. Members of this House that it is the parliamentary practice that all speeches and remarks should be addressed to the Chair, and that the distinction between a public meeting and a parliamentary house should be strictly observed. I should also inform hon. Members that four amendments have already been received, that all the amendments to this motion should be delivered to the Secretary before 12 noon to-morrow and that thereafter amendments will not be received. Therefore hon. Members will strictly observe this. Has the hon. the Leader of the Opposition any objection to it?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, with regard to the question of amendments, I beg of you to take the present circumstances into consideration before you give a final ruling on the matter. I know it is a very complicated measure that is now before the House and the question is what kind of amendments should be moved in the best interests of the parties concerned—the landholders and the tenants. Without going into the merits of the amendments to be moved, I only wish to submit that until to-day it was rumoured that it was not likely that any resolution or amendment will be moved on behalf of the Government. I guardedly use the word 'rumoured', because we do not know now what view the Government are going to express on the amendment already given notice of, and whether they are going to support the full amendment or only a part of it. The situation may change hereafter and the parties in the

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House may have to give notice of amendments at a later stage. But certainly it will be open to the Government to accept those amendments or not. It is a different matter. But I beg of you not to give your final ruling in the matter now. At the same time I do not express a desire that you should give a ruling in my favour. At the present moment I only request you to keep the matter open and we will abide by whatever decision you give later on. I request you not to give your decision now but use your discretion in the matter as discussion proceeds."

MR. SPEAKER:—"The Report was submitted to the House in November and its consideration was specially adjourned to 20th January in order to give a good deal of time to hon. Members to study the Report and consider it. Hon. Members were expected to table their amendments long before this date and it is a surprise that the amendments were received only to-day. I have allowed them."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Including the Government resolution."

MR. SPEAKER:—"It was not received to-day. The motion for consideration of the Report was delivered to the office some days back."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"But we got notice of it only yesterday."

MR. SPEAKER:—"May be. But all the same, hon. Members knew full well that the discussion of the Report would start to-day and that the discussion will be on a definite motion from the Chairman of the Committee, from the Government. All amendments should have been given notice of already. Parliamentary procedure contemplates only a certain number of amendments on this motion. This is a Report presented by a parliamentary committee to the Legislature and therefore only a certain number of amendments are permissible. Therefore I do not think that amendments can be received day after day as the debate proceeds. It will be very inconvenient and it is not consistent with the system of conducting a parliamentary debate. All the amendments that have been received have been circulated to hon. Members and more amendments may be given notice of to-morrow. All the amendments either from the Government or from the other hon. Members must reach the office by 12 noon to-morrow."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I bow to your suggestion. I appreciate the difficulties you have pointed out. At the same time I would request you to realize the circumstances in which we are actually placed in this House. We have had a huge 15-volume Report presented to us. (Sri T. Viswanatham: 18-volume Report.) Thanks very much for

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the correction. We have had an 18-volume Report presented to us and ordinarily one would have expected more time to read this. I know pretty well that the majority of the members of the House have not had the opportunity to read and understand this."

MR. SPEAKER:—"I think the hon. the Leader of the Opposition should not make the observation that hon. Members have not read the Report. It might be that the hon. the Leader of the Opposition might not have read the report."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"You have said exactly the correct thing. It is only a presumption on my part that there may be many members who have not read the Report. Sir, in a matter like this, we are all very anxious that the atmosphere in this House should be very cordial while we are discussing the Report. We have heard with great interest the speech of the Hon. the Revenue Minister and we expect to hear him to-morrow also. We may have to think of the wording of the resolution only after the Hon. Minister has finished his speech. That being so, Sir, you will please appreciate our difficulty in not being able to frame our resolutions before 12 noon to-morrow."

MR. SPEAKER:—"What time does the hon. the Leader of the Opposition want for the tabling of amendments?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Here I entirely submit to your discretion, Sir. I do not want to suggest any time-limit. I can assure you that we will most cheerfully abide by your decision in the matter. All that we ask is that you should not give your ruling now, and nothing more."

MR. SPEAKER:—"There must be some time fixed."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"That may be decided to-morrow."

MR. SPEAKER:—"Will 5 p.m. to-morrow suit the hon. the Leader of the Opposition?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I suggest that it may be carried forward to Monday, Sir. I think we should be hearing the Hon. the Revenue Minister for a long time after question-time to-morrow. Therefore, if Sunday is left as an interval, it will help us to think of the resolutions to be put forward. In a matter like this, if on the whole a good atmosphere is created it will be very conducive to the discussion of this important subject. I respectfully submit to you that you may hold over your decision till Monday."

MR. SPEAKER:—"Decision to be held over? I am going to decide now."

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KUMARARAJA MUTHIA CHETTIYAR OF CHETTINAD:—
“What I mean is this. You may at any moment say, ‘No more amendments.’ That power can be kept in reserve and we shall always obey you whenever that power is used. There is no question of disobeying your order. If you want to fix a time-limit

THE HON. SRI C. RAJAGOPALACHARIAR:—“As a matter of procedure, in making the proposal that the amendments or resolutions—practically all the amendments are resolutions—may be handed in at any time later on and that the debate may be conducted without knowing what it is that we are discussing the hon. the Leader of the Opposition should remember that it will not facilitate the debate at all. It is necessary to have some kind of idea of what the various propositions before the House are; so that, if by to-morrow 12 noon hon. Members know what the various formulæ are, then the debate would be more conducive to mutual understanding and would be intelligible. Otherwise if nobody knows what resolutions will come up the day after to-morrow and the day after that, the debate will be less useful than otherwise. It is no doubt true that to meet an urgent situation the Chair may be moved by any hon. Member to do anything special. But let the rule be that amendments should be received by 12 noon to-morrow.”

MR. SPEAKER:—“The difficulty is this. This is not a mere report of a parliamentary committee. The Legislature has authorized the committee to suggest legislation also and accordingly a draft bill has been submitted along with the Report. Hence there is a great amount of difficulty indeed and probably the suggestion that amendments may be held over till Monday may be considered. I have already received four amendments. These amendments may be moved to-morrow if there be time and other amendments will be taken up on Monday. But strictly on Monday, by 11 o'clock, all amendments must be delivered at the office. And unless there be any extraordinary circumstance, no more amendments will be received on Monday.”

The House then adjourned to meet again at 3 p.m., the next day.

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, the 21st January 1939.

The House met in the Assembly Building, Chepauk, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Activities of the District Armed Reserve force during last year.

* 647 Q.—SRI K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(a) whether the District Armed Reserve in any district was called in for action during the last year;

(b) if so, where; and

(c) what the nature of the work done was?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) The answer is in the affirmative.

“(b) & (c) A statement* giving the particulars for the year 1937 is placed on the table of the House.”

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“Will the Hon. the Premier be pleased to give information regarding the dates and the purposes for which the Armed Reserve was called in in Cannanore and Calicut?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Notice must be given.”

SRI K. V. R. SWAMI:—“May I know what the duties of this Reserve force were during the year 1937?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I wish the hon. Member had added this question also to the questions he has put; I am sorry he must give further notice.”

SRI K. V. R. SWAMI:—“Cannot these duties be done by the ordinary Police force?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“The particular duties entrusted to these people have been considered in creating this force and in maintaining it.”

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—“Is it a fact that the Malabar Special Police is composed of the Armed Reserve?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“No, Sir.”

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Peasants' agitation in Malabar.

* 648 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL SAHIB BAHADUR: Will the Hon. the Prime Minister be pleased to state—

(a) whether the peasants' agitation in Malabar had been brought to the notice of the Government;

(b) whether the Government are aware of the difficulties and inconveniences to which janmis in certain parts of Malabar are being subjected by the said agitation and the loss sustained by them on account of non-payment of rent, michavaram and other dues;

(c) whether it is a fact that this agitation was conducted in the name of Congress Socialists;

(d) whether the Government are aware of the part, if any, played in this agitation by the Kerala Provincial Congress Committee;

(e) whether the Government have taken any steps to prevent the evil consequences of this agitation in the country;

(f) whether any report on this agitation has been submitted to the Government by the district authorities; and

(g) if so, what the main trend of that report is?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) to (g) The District Magistrate, Malabar, has kept the Government informed of the agrarian situation in North Malabar. The agitation appears to be directed mainly against certain customary collections made by the janmis in addition to their rents and against the use of unstandardized measures by the janmis. There also appears to have been some demand for a revision of rents. The agitation is centred in the interior parts of North Malabar where communications are difficult and in consequence the authority of the Government is not so evident as it is in towns. In these parts the agitation has occasionally got out of hand and offences have been committed. These are being investigated by the Police where complaints have been received. The question of opening new police stations in the interior parts to give the protection of the law to both tenants and janmis is under consideration. Allegations have been made by janmis that a no-rent campaign is being preached, but the Government have received assurances that this is not the object of the agitation.

“The Hon. the Minister for Revenue toured in the district a short time ago, and the latest report is that the situation is much improved.”

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—“May I know whether the Government are aware that the agitation is very keen in the southern portions of the Kasaragod taluk,

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that there is conflict between karsikas and janmis? Did the Hon. the Revenue Minister notice it when he visited Malabar in his last tour? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“The fact may be so, as the hon. Member puts it.”

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—“In view of the fact that there is a no-rent campaign in the interior of the Kasaragod taluk, the agitation is very keen there and there are frequent conflicts between karsikas and janmis, will the Government see that roads are opened in those interior parts, in addition to opening police stations? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“The suggestion will be considered.”

SRI R. M. PALAT:—“Is the Hon. the Premier aware that picketing is going on in certain parts of North Malabar to the extent of preventing dead bodies from being removed from the houses of those who do not sympathize with these agitators? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“The allegation may be made to the local officers.”

SRI R. M. PALAT:—“In view of the statement made by the Hon. the Premier, will he be pleased to see that the law is strictly enforced? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“The situation is not so difficult at all.”

SRI R. M. PALAT:—“Will the Government enquire whether there is a no-rent campaign? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Enquiries have been made and I have answered the question. An alarmist statement is quite unnecessary.”

SRI R. M. PALAT:—“May I ask if the Hon. the Revenue Minister received any written statement from the leaders of this agitation during his recent tour and will the Government be pleased to place copies of the same on the table of the House? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Allegations have been received from both sides; but it is hardly necessary to put mere allegations on the table of the House; they will be enquired into.”

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“Is the Hon. Premier aware that rents offered to janmis are being refused? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I am not aware of it, but I think it is very unlikely.”

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—“When the Hon. the Revenue Minister visited Malabar last time and when representations were made to him by the janmis and

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others, did he promise to appoint a committee to go into the difficulties of both the parties? "

THE HON. SRI C. RAJAGOPALACHARIAR:—"That is true, Sir."

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"Will the committee be asked to enquire into the allegations now made here? "

THE HON. SRI C. RAJAGOPALACHARIAR:—"Yes; I have already stated briefly the allegations of both sides are being enquired into."

SRI E. KANNAN:—"Is it a fact that on account of the janmis refusing to receive rents from the tenants, most of the tenants have sent registered notices to the janmis to receive rents which they are legally bound to receive? "

THE HON. SRI C. RAJAGOPALACHARIAR:—"If it is true, I would suggest that besides notices, money also may be sent by money-order."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"In view of the fact that the Government intend to bring a tenancy legislation, is it a fact that interested parties are creating wrong hopes in the minds of the tenants throughout the Province generally and asking people not to pay rents? Will the Government issue a communiqué that such an agitation is wrong? "

THE HON. SRI C. RAJAGOPALACHARIAR:—"Very often such suggestions are created even by the talk of these suggestions on the floor of this House. I would deprecate public statements of any such suggestions. Hon. Members are aware of the difficulties of the situation and the tendencies of the times; nothing can be achieved by merely issuing communiqués."

SRI A. CHANDOO:—"Will the Government be pleased to constitute a committee of enquiry to go into the grievances of the tenants and suggest remedies? "

THE HON. SRI C. RAJAGOPALACHARIAR:—"The suggestion will be considered, Sir."

SRI R. M. PALAT:—"Will the Government enquire into the grievances of the janmis? "

THE HON. SRI C. RAJAGOPALACHARIAR:—"Of course, if a committee is appointed, the difficulties of both sides will be considered by it."

SRI E. KANNAN:—"Has the attention of the Government been drawn to the statement made by Sri N. G. Ranga at Telli-cherry on 17th January 1939 in which he detailed the hardships of the tenants of Malabar? "

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THE HON. SRI C. RAJAGOPALACHARIAR:—"Professor Ranga lives far away from the place."

SRI A. KARUNAKARA MENON:—"Are the Government aware that advice was given by Sri Ranga to the peasants of North Malabar to surround the houses of Members of the Legislative Assembly until their grievances were redressed? "

MR. SPEAKER:—"That question does not arise."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I did not hear what was stated, though it was very loud."

Failure of second crop in Malabar.

* 649 Q.—SRI R. M. PALAT: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government are aware that the second crop has almost completely failed in Malabar; and

(b) if not, whether the Government will be pleased to make enquiries at once?

THE HON. SRI T. PRAKASAM:—" (a) & (b) The Government have called for a report in the matter."

SRI R. M. PALAT:—"During his recent tour, did not the Hon. Minister notice that there was actual failure of crops? "

THE HON. SRI T. PRAKASAM:—"When I visited the district, I went round the area where the crop had withered in some places; in other places it was in a bad condition. Until the final azmaish is made and a report is received, nothing can be said definitely."

SRI R. M. PALAT:—"Will the Government be pleased to give special remissions on account of this failure, in addition to the usual remissions? "

THE HON. SRI T. PRAKASAM:—"Having regard to the general distress all over the country, the Government will consider and decide what should be done in the best interests of the sufferers."

SRI A. KARUNAKARA MENON:—"Will the Government enquire into the question of the failure of crops this year, as reported by the committee appointed by the District Board of Malabar? Did they receive that report? "

THE HON. SRI T. PRAKASAM:—"Yes; it was received only a few days back; it is being examined."

SRI V. BHUVARAHAN:—"Are the Government aware that the paddy crop in the Tanjore district is very unsatisfactory this year? "

MR. SPEAKER:—"The question does not arise."

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Water scarcity in Salem.

* 650 Q.—SRI M. G. NATESA CHETTIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware that water scarcity is being felt by the residents of Salem; and

(b) what the Government propose to do to alleviate the suffering?

THE HON. DR. T. S. S. RAJAN:—“(a) It is reported that the level of the water in the wells in the town is going down on account of the failure of the monsoon this year. The level of water in Panamarapatti tank was 4 feet on 25th December 1938 against 2.31 feet on the same date in the previous year.

“(b) The Government are watching the situation and the Commissioner states that he is prepared to take all possible steps to alleviate the scarcity in consultation with the technical officers of the Government.”

SRI S. C. VENKATAPPA CHETTIYAR:—“What is the level of the water in the tank at present?”

THE HON. DR. T. S. S. RAJAN:—“The latest report that it was 4 feet was received on 25th December; we have not got the recent and up-to-date information.”

SRI S. C. VENKATAPPA CHETTIYAR:—“May I know what steps the Commissioner has so far taken to alleviate water scarcity?”

THE HON. DR. T. S. S. RAJAN:—“We have had no communication from him, except the assurance that he is taking necessary steps in consultation with the technical officers of the Government.”

Representation of the ryots of Polagudi against the inclusion of their village within the jurisdiction of the Kodavasal Co-operative Land Mortgage Bank.

* 651 Q.—SRI P. R. K. SARMA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government have received representations from the ryots of Polagudi stating that the inclusion of their village in the jurisdiction of the Kodavasal Co-operative Land Mortgage Bank, is causing great inconvenience to them; and

(b) what action has been or is proposed to be taken on them?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“(a) There was a representation on the subject.

“(b) The Registrar of Co-operative Societies is examining the feasibility of shifting the headquarters of the Bank.”

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

II.—REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE.

MR. SPEAKER:—“The Hon. Mr. Prakasam will now 3-15 p.m. continue his speech.”

* THE HON. SRI T. PRAKASAM:—“Sir, I remember I said yesterday, referring to the Estates Land Act, that when the Act was passed in 1908, no provision was made in it for reduction of rents, instead of saying that the necessary provision to enable the ryot to get relief was not made, and that if that was so, that mistake might be corrected. I was referring to the fact that although the landholders could go to court and get enhancement of rent at 2 annas in the rupee on the ground of rise in prices, the ryots could get no such opportunity to get relief on the ground of fall in prices. After nearly twenty years, by the Act of 1936, amendments were made to the Act to enable the ryot to get relief by reduction of rent on account of fall in prices. Even after that, he was not in a position to get relief because of the restrictions imposed with regard to the measure of loss and the measure of the fall in prices—18½ was mentioned in the amendments. I was submitting to the hon. Members of the House that the land revenue payable by the ryots to the Government was fixed permanently and unalterably in 1802 and that was recognized to be the fact up to the date of the Estates Land Act; and even under the Estates Land Act, if not wholly at least partially, in some of the provisions, that was recognized even before the Government of India Act was passed. I submitted that the Hon. Mr. Crole who was in charge of the Madras Tenancy Law of 1898, and the Hon. Mr. Forbes who was in charge of the Madras Estates Land Act, had recognized this and proceeded on that basis, though there are some points on which they were not in entire agreement with the recommendations of the report in the matter of enhancement of rents. I started, Sir, yesterday from the top with a view to show that we were not going back to a period of 150 years and relying upon what happened 150 years ago without having any support for the claim between 1802 and to-day.

“Having referred to those two stages, the Bill of 1898 and the Estates Land Act of 1908, I would like to submit, Sir, to the hon. Members of this House that they cannot be charged with having recognized the unalterable character of rent or revenue, and the unalterable character of the tenure itself without proper basis and data for it. I would therefore briefly refer to what had happened before the Permanent Settlement Regulations were passed and on what statements or authorities the Permanent Settlement Regulations were based in 1802. After referring to that, I would be referring briefly to the unimpeachable authorities

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that interpreted the Permanent Settlement Regulations to the effect that it was the intention of the Permanent Settlement Regulations to fix the rates of rent permanently and unalterably in the same manner in which the peshkash was fixed permanently and the peshkash had been paid without a single alteration during the whole period.

"There were more than two authors of the Permanent Settlement Regulations, but I will confine myself to what was declared by Sir John Shore and Lord Cornwallis—to what they had stated even before instructions were issued to the Collectors to gather materials and to formulate a scheme for enacting the Permanent Settlement Regulations. This has been taken from selections from State papers of the Governor-General of India, edited by one Mr. Forrest. I invite, Sir, the attention of hon. Members to pages 52, 53 and 54 of Part I of the Report. I was referring yesterday to the object of the Permanent Settlement Regulations and to the intention of the promoters of those Regulations as they matured for two or three years before the Regulations were actually enacted. As I said, the extract is given at page 52: it is this:

'On June 18, 1789, Sir John Shore issued his famous minute respecting the Permanent Settlement of lands in Bengal. . . . At the close of the minute, he states the main principles on which it is based, (1) the security of Government with respect to its revenue, and (2) the security and protection of its subjects.'

—and not landholders—

'The former will be best established by concluding a Permanent Settlement with zamindars or proprietors of the soil; the land, their property, is the security to the Government. The second must be ensured by carrying into practice as far as possible an acknowledged maximum of taxation. The tax which each individual is bound to pay ought to be certain, not arbitrary. The time of payment, the manner of payment, the quantity to be paid ought all to be clear and plain to the contributor and every other person.'

It was in those terms that Sir John Shore made his statement. Now, Sir, it is contended by the landholders that the Permanent Settlement Regulations were intended only to fix the peshkash portion of the land revenue permanently and leave the rest to the goodwill or the free will of the landholder to deal with his ryots in the way he considered proper."

Abdul Hameed Khan Sahib Bahadur was heard to say something from his seat.

THE HON. SRI. T. PRAKASAM:—"What did the hon. Member say?"

MR. SPEAKER:—"No cross-talks, please."

THE HON. SRI T. PRAKASAM:—"The hon. Member was saying something, Sir."

MR. SPEAKER:—"It may be ignored."

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THE HON. SRI T. PRAKASAM:—"The next passage relates to Warren Hastings. It is in the same page, 52:

'Our Government, Warren Hastings wrote, has admitted the opinion of their (zamindars') rightful proprietorship of the lands. The Permanent Settlement confirmed that opinion, but the Regulation of 1793, establishing that measure and the Code of Law that accompanied it, had provisions incompatible with their being absolute proprietors. The rights of the Talukdars and others who held lands under the zamindars were recognized and protected as long as they paid the established assessment. The occupying tenant or the ryot had had bestowed on him fixity of tenure and the fixity of rent.'

"The next statement is at the bottom of the page:

'In order to simplify the demand of the landholder upon the ryot or the cultivator of the soil, we must begin with fixing the demand upon the former; this done, I have little doubt but that the landholders without difficulty be made to grant pattas to the ryots upon the principles proposed by Mr. Shore in his propositions for the Bengal Settlements.'

"The second paragraph on page 53 of Volume I of the report runs:

'Mr. Shore's propositions, that the rents and right by whatever rule or custom, they may be demanded, shall be specific as to the amount payable.'

"'Specific' is the word that must be kept in mind, Sir, by hon. Members."

'... shall be specific as to the amount payable, that the landholders shall be obliged within a certain time to grant the pattas and that no ryot shall be liable to pay a sum more than that specified in the patta, if duly enforced by the Collector will soon obviate the objection to a fixed assessment found on the indefinite state of the demands of the landholders upon the ryots.

'We agree with Mr. Shore that some interference on the part of the Government is undoubtedly necessary for effecting an adjustment of the demands of the zamindars upon the ryots.'

"Sir, the next passage must be noted:—

'Neither is the privilege which the ryots in many parts in Bengal enjoy of holding possession of the spots of land which they cultivate so long as they pay the revenue assessed on them by any means incompatible with the proprietary rights of the zamindars. Whoever cultivates the land the zamindar can receive no more than the established rent which in most places is fully equal to what the cultivator can afford to pay. To permit him to dispossess one cultivator for the sole purpose of giving the land to another would be vesting him with a power to commit a wanton act of oppression from which he could derive no benefit. The practice which prevailed under the Moghul Government of uniting many districts into one zamindari and thereby subject a large number of the people to the control of one principal zamindar rendered some restrictions of this nature absolutely necessary. The zamindar, however, may sell the land and the cultivators must pay the rent to the purchasers.'

"Again, the next passage runs as follows:—

'With regard to the rates at which the landed property transferred by public sale for arrears or it may be added, by private sale, are to be assessed, I conceive that the new proprietor has a right to collect no more than what his predecessor is legally entitled to, for the act of transfer certainly gives no sanction to illegal impositions. I trust, however, that due enforcement of the Regulations for obliging the zamindars to grant the pattas to the cultivators as proposed by Mr. Shore will soon remove these objections to a Permanent Settlement. For, whoever is the proprietor

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of the land, after these pattas have been issued, will succeed to the tenure, under the condition and with the knowledge that these pattas are to be the rules by which rents are to be collected from the ryots.'

"I have read these passages to show that the patta was not and is not a document that was intended to serve as a lease for one year, or two years or three years. The patta was intended to serve in the manner in which the sanad issued to the zamindars by the Government was intended to serve. The landholders claimed that under the Permanent Settlement Regulation XXV of 1802, the sanad issued to them was a permanent document in which the peshkash was permanently and unalterably fixed, and therefore they were entitled to pay peshkash as fixed there without any alteration; but so far as the rent payable by the ryot was concerned, there was no such rule that the rent fixed there was a permanent one in the same manner in which the peshkash was permanent. One regulation was specially devised to deal with the peshkash of the landholder and his liability to pay that peshkash year after year. So far as the ryot was concerned, they framed Regulation XXX, i.e., what was called the Patta Regulation. The patta is practically the same thing as the sanad that was exchanged between the Government and the landholder. The patta and muchilika were intended to be exchanged between the landholder and the ryot. The rent that was fixed and embodied in the patta was just the same as the peshkash under the Permanent Settlement Regulation. The rent under the Patta Regulation to be embodied in the patta and the peshkash that was directed to be paid by the landholder both formed part of the land revenue that was fixed permanently and unalterably.

"I submitted yesterday that it was the old gross land revenue that was divided into two parts, two-thirds of one part to be paid to Government as peshkash and one-third to be taken by the zamindar for his allowance. Peshkash having been provided for under the Permanent Settlement Regulations, it was called 'rent' but strictly it ought to have been called 'land revenue' in the estates, as we are calling it to-day. They called it rent and they wanted to provide a permanent and unalterable character of that rent in a different way under the Patta Regulation. It was done with a view to make that rent, or those rates of rent permanent and unalterable, as had been stated by Sir John Shore and others in the passages that I have just quoted, sometime before the framing of the Regulations. In the Patta Regulation the sections that deal with the matter direct and show that the rent was fixed permanently, as indicated in the last passage that I have read just now, are sections 7 and 9. What I want to lay stress on in the last passage I have quoted is "that these pattas are to be the rules by which rents are to be collected from the ryots." It is not a scrap of paper that would count for nothing, after the year is out. The pattas are the rules. What is stated in the

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patta with regard to the rate of rent, the extent of land, the method of payment, all these must be taken as standing rules that should apply to the ryot in the same manner as the rules framed for the regulation of payment of peshkash constituted the rules for it. So, Sir, all these statements made by Sir John Shore and Lord Cornwallis were not mere ideas but they were the preparatory statements which led on to the next stage. What was the next stage? To issue instructions to the Collectors; and before the Collectors could formulate the scheme of Permanent Settlement and practically draft all the draft rules for the Permanent Settlement Regulations, there were instructions from the Court of Directors to these high officers who were charged with the carrying out of the Permanent Settlement to this effect: 'you shall not proceed with the drafting of your Permanent Settlement Regulation unless and until you make sure of your grounds; there is no use of your merely passing a Regulation imagining that you could persuade the landholder to accept the sanads issued by us, the Government; you should not be under the impression that you could persuade them later on after passing this Regulation into law, to agree to certain terms that could be enforced as against the ryots whom we are handing over to the landholders as our managers.' So, they issued those directions from Home so that everything might be done beforehand. Patta forms must be fixed; the ryots must be called and the landholders must be asked to accept the form fixed by the Government, to fill in that form and agree to the terms and conditions imposed by the Government, sign the forms and hand them over to the ryots in their respective estates; or, if that is not possible within the time allowed they must at least give a paper in writing agreeing to carry out all these formalities a little later. Those, Sir, were the instructions issued by the Court of Directors to Sir John Shore and Lord Cornwallis and other high officers, because they were very particular about carrying out these directions. This is printed on page 54 of Part I of the report, which runs thus:—

"The passage at page 116 of the Volume II of the State-papers of the Governor-General of India contain the Minute, dated 6th March 1793, at page 120. It runs as follows:—

"From the proceedings which we shall forward to you by the next despatch, you (Court of Directors) will find that we have anticipated your wishes respecting the pattas to be granted by the landholders to the ryots. It is with great pleasure that we acquaint you that throughout the greater part of the country specific agreements have been exchanged between the landholders and the ryots, and that where these writings have not been entered into the landholders have bound themselves to prepare and deliver them by fixed periods."

The above statement makes the position absolutely clear that anticipating that the Court of Directors would call for a report from them about the exchange of pattas and muchilikas before taking the final step, they had written to the Court of Directors that anticipating such a thing they had done all that was necessary, that most part of the exchange of pattas and muchilikas

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had been done and in cases where that had not been done the landholders agreed to carry them out within a short time.

“That is how the whole business was done in a perfectly businesslike manner. Anticipating troubles if all these things had not been done, they took care to see that all these things had been accomplished before they put their pen to the drafting of these Regulations XXV, XXIX and XXX of 1802. The Government even then recognized that disputes might arise between the landholders and the ryots in spite of the fact that Permanent Regulations had been made and the terms had been imposed and that they had been called upon to agree to those terms and sign the documents and were pledged to it. They thought that even though a declaration had been made that everything was permanent and unalterable, some provision must be made in such cases. How to protect these ryots? They did not say that the patta should be permanent and unalterable in express words as they had stated in the Permanent Settlement Regulation of 1802. Here they adopted a different method and employed a different language. Why? Because there were reasons for that. They could have given a permanent patta straightaway, saying that the amount fixed in the permanent patta issued at the Permanent Settlement was permanent and unalterable; they could have adopted the same language in the Patta Regulation. But the position of the ryots and the relationship between the ryots and landholders was not the same as it was and as it is between the Government and the landholder. Landholders were constituted the collection agents and they were assigned the rights which the Government had of collecting the rent—properly speaking, land revenue—which the ryot had been paying direct to the Government. There was nothing more to be done. But so far as the ryots and the landlords were concerned, it was not a clean-slate affair like that. On that date there was cultivated land and there was land yet to be cultivated—what was called waste lands. They had to make provision for the lands that had been cultivated as also the lands that had to be brought under cultivation thereafter. So they could not issue one permanent patta in the same manner in which one sanad was issued to the landholder. That was why they had to adopt this course and enact sections 7 and 9 of the Patta Regulation. In section 7, it was said that there should be no excess collections over the taxes that had been fixed under any circumstances or pretexts, thereby making it clear that the land-tax that had been fixed already was permanent. Then in section 9, they said, ‘Even though we have said that there should be no increase of this tax that we have fixed, if there should be a dispute, the duty of the law courts before which these unfortunate fellows might be dragged by the wealthy landholders is not to go into all the pleas that might be raised by lawyers and parties, not to examine the

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evidence tendered by both sides indefinitely—nothing of the sort, we have finished our work, we have fixed the rate of rent permanently and unalterably in the same manner as we have fixed the peshkash which is payable by the landholder to the Government—but to go back straight to the year 1801, the year before the Permanent Settlement, and find out what the rate was that was prevailing then and apply that rate without any further enquiry.’ What is the difference between saying that the peshkash was fixed permanently and unalterably, and, saying that in the Patta Regulation the rent also is fixed permanently and there should be no addition. The difference is here. If there is a dispute, the only way in which it can be settled is by going back to the rent that was fixed in 1801. In other words, the year 1801 was the year that was taken as the basis for the Permanent Settlement of 1802. It is just the same so far as these two Regulations are concerned, but it was fixed in one manner in one case and in the other Regulation it was fixed in a different manner. The patta of 1801 would no doubt contain the fixed rent and the other particulars that are contained in the patta will constitute the rules for the future. When that was done, the matter should have come to rest.

“Hon. Members of this House may imagine now, the position of the landholder. He has been paying a peshkash of two-thirds of the total revenue that was fixed permanently from 1802 until now, without any enhancement. There has not been a single suit between the landlord and the Government with regard to the peshkash. If they were not able to pay, the Government have, of course, attached estates for realizing their dues; but otherwise, there has not been a single suit between the Government and the landholder. In the case of the tenants, who were thrown into the hands of these collection agents, matters had gone quite differently. Enhancements had been made from time to time. These ignorant men who were not able to establish their rights by engaging eminent lawyers, became helpless. Whereas there has not been a single suit between the Government and the landholder with regard to peshkash, as between the tenants and the landholders there has been interminable litigation. Why? Because the landholders made it a point even after the rents had been fixed and the peshkash had been fixed and the Regulations had been framed, because of their wealth, position and influence, to go after these ryots and drag them into the courts incessantly and try to create further rights in their own favour. That is what has been going on after the Regulations of 1802.

“The Patta Regulation was in force until 1865 when it was repealed by the Rent Recovery Act. The law stood without the slightest alteration between 1802 and 1865. But on account of the cleverness of the landholders and the troubles started by them, even the Court of Directors in England became anxious. Ten years

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after the Regulation, matters reached the Court of Directors that the ryots were not properly treated. In 1812, they sent a despatch to the Local Government enquiring about sections 7 and 9 of the Patta Regulation and about their condition. Two years later, in 1814, there was another communication from them enquiring about the same. Four years later, in 1818, a dispute came up before the Sadar Adalat Court. That was the Court that was then functioning. In that Court, the rights of the ryot were repudiated by the landholders and the judges of the Court in disposing of the case observed that those unfortunate ryots required special protection from the Government and that they must take particular care to see that the Regulations that were framed to give protection to them were properly enforced and incidentally, in sending up the note, the judge referred to the rights of the ryots and about their interest in the soil. I shall refer to the observation of the Hon. Mr. Forbes in this connexion:—

‘During the years that had passed since 1802 the inferior civil courts in the mufassal had been construing Regulation XXV of 1802 as if it had been an enactment bearing on the English Law of landlord and tenant, nor was it unreasonable to expect that these inferior tribunals should construe terms of English Law as if they possessed the same connotation as in that law. The Court of Sadar Adalat for themselves, however repudiated so narrow an interpretation; and in advising the Government in 1818 on the measures which should be taken to save the ryots from the destruction which menaced their rights, wrote thus: “The magical words, as Colonel Wilkie has termed them, of the permanent sanad were being made to convey to the zamindars a power which was not exercised on the part of the Government itself and to overturn individual rights which existed before the commutation of the public revenue for a fixed payment in money by the zamindars. The Sadar Adalat at the same time pointed out to the Government that the highest authorities acquiesced in the opinion that a proprietary right in the soil vested in the people, by whom it is ordinarily cultivated.”’

4 p.m. In spite of this, the landholders carried on their campaign against these people, until at last in 1822 the matter reached the Government here and also the Government in England, and directions were given to frame fresh regulations to clear the doubts. Regulation IV of 1822 was intended to make it clear that the rights established in favour of the ryots had not been taken away by the Permanent Regulation, though such wrong interpretation, narrow interpretation, was put upon this thing. That was made clear by the Regulation of 1822. The tenants were oppressed by the landholders in the execution proceedings. In the execution proceedings, by oversight in drafting the Regulations XXVII and XXVIII, which are supplemental to the Permanent Settlement Regulation and Patta Regulation, in the procedure prescribed, the landlord was given the right to have summary process for the collection of his rent, and if there should be any oppression practised by the landholder against the ryots, the ryots were not given the right to petition to the revenue courts enforcing the rent, but they were asked to go to the civil court. This worked hardship. Taking advantage of this, the landholders put pressure

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upon those unfortunate men. The matter reached the Government. To remedy this, Regulation V of 1822 was passed giving the ryots, whenever there was oppression, the right to seek remedy in that very revenue court in which the landholder was carrying out his execution proceedings. After that, Sir, there was some rest, though there might have been occasionally here and there a few cases of oppression. The rights were practically recognized, and this went on until we come to 1863.

“Then there appeared a learned judge by name, Mr. Collett, District Judge of Vizagapatam, and that judge interpreting the Permanent Settlement Regulation and Patta Regulation came to the wonderful conclusion that this Patta Regulation and Permanent Settlement Regulation were intended only for the year in which they were issued, and that they did not intend to extend any such rights after that year. In other words, the landholder was a free man to do whatever he liked with his ryots who were handed over to him by the Government. As soon as this judgment of Mr. Collett was published, the Government of Madras, the Board of Revenue and all people were simply shocked at this decision which took away the rights of the ryots, for whom the Permanent Settlement was given. Therefore Government at once called upon the Revenue Board and asked them to look into this matter and send them a report so that they might take steps to remedy this. The Revenue Board, as it was constituted then, produced that famous Board Proceedings No. 7743. In this masterly document, the whole history of the land tenure of Madras, has been reviewed from the date of Manu up to the date on which they passed that proceeding. They declared that the ryot was the owner of the soil, that the tenure was fixed permanently and unalterably, that the rates of rent which they should pay was fixed permanently and unalterably and so the decision of Judge Collett was entirely wrong and that Judge Collett had introduced the English rule of landlord and tenant into the tenure that subsisted between the landholder and the ryot of this Province. So they entirely disagreed with that view, and they held that if these landholders should be allowed to eject these tenants, because another man had agreed to give them a higher rate of rent, it would be allowing the man to rob the ryot and pay portion of the plunder to the zamindar. This is the language used by the Revenue Board in that connexion. At page 184 of the Appendices Volume, in the middle of paragraph 74, you will see these words: ‘The increase in the value of produce is no proof whatever by itself that the zamindar is justified in raising his demand. The fact that the lands are comparatively favourably rated is *prima facie* adverse to his claim. And the willingness of third parties to pay the enhanced rate merely shows that if permitted to rob the ryot of his lands, they are willing to relinquish a portion of the plunder to the zamindar.’

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"This is a very long report, and I do not wish to trouble the House by reading any lengthy portions from it. But I would like to draw the attention of hon. Members to a few paragraphs, in which the relationship between the landholder and the ryot was explained by the Revenue Board, as it understood then, in interpreting the provisions of the Permanent Settlement Regulations in the light of other facts.

"At page 183 of the Appendices Volume, paragraph 66 runs thus:—

'Mr. Collett recorded in an elaborate judgment the grounds for his opinion that the Collector's decision was erroneous. These grounds are briefly, that sections 8 and 9, Regulation XXX of 1802, which provide a limit of time for the issue of a puttah on demand, and the mode of adjusting disputes regarding rates of assessment, were intended to apply only to the first occasion of issuing a puttah after the permanent settlement of an estate, and that there is nothing in the Regulation to preclude an enhancement of the demand in future years; while changes in the rate were clearly contemplated by the provision made for the renewal of puttahs for one year.

'He was further of opinion that the terms "just and correct rate" and "the just rate prescribed" used in Regulation V of 1822 are equivalent to *fair and equitable*; and that to suppose that rents were intended to be limited by the Regulations of 1802 is incompatible with the declaration in Regulation IV of 1822, that those regulations were in no way intended to define, limit, infringe or destroy the rights of any parties.'

"In the next paragraph, paragraph 67, it says:

'The Board need scarcely say that they entirely dissent from this view as regards both the intended operation of sections 8 and 9, Regulation XXX of 1802, and also the interpretation of the terms "just and correct rate" and "just rate prescribed" used in Regulation V of 1822. They hold that these terms refer to the well-known established rate, which was to be recorded on evidence, and to form the unalterable limit to the zamindar's demand, although when the land was assessed at grain rates, or with a share in the crop, any commutation into money was a matter for mutual agreement, the fact and force of the agreement being fit subject for decision by the courts.'

"The next paragraph, paragraph 68, is a very important one:

'The Board readily admit that the Regulations of 1802 did not define, or limit, or destroy rights but they contend that the relative rights of the State as represented by the zamindar, and of the ryot, were already absolutely defined by long-established custom, and that it was expressly intended, as a fundamental principle of the Permanent Settlement of the State's demand on the zamindar for its dues less the portion relinquished to the zamindar for his maintenance in the position which the Government desired him to occupy, that the rates to be levied from the ryots should be unalterably maintained, and should (as already quoted from Mr. Shore's Minutes, be held, as to the proportion they bore to the produce of the land "as sacred as the zamindar's quit-rent.")'

"These are plain simple words used by the Revenue Board which went into the whole matter exhaustively. Even this Board's Proceedings No. 7743, is interpreted in a wonderful manner in the minute of dissent and in the written memorandum of the landholders.

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"I will just refer briefly to a few passages in Collectors' Instructions, which contain the basis of the draft, practically, of the Regulations XXV, XXX and XXIX of 1802. Sir, the contention of landholders now is that the object of the Permanent Settlement was not to protect the rights of the ryots; the object was only to settle peshkash permanently and unalterably and to give them the freedom to do what they liked with the ryots. To disprove that statement, I shall refer to a few passages. Take page 71 of the Appendices, paragraph 4:

'At present the zamindars held their zamindaris'
This is in reference to the state of affairs before the Permanent Settlement, Sir. This was written by the Government in their instructions to the Collectors:—

'At present the zamindars held their zamindari by a tenure so precarious as scarcely to convey the least idea of property in the soil it has been considered an hereditary possession, but the public assessment has been fluctuating and arbitrary, and the whole zamindari liable to sequestration in case of even a partial failure in the kists, at the pleasure of Government—several instances have occurred, of this alternative having been resorted to, and the zamindars becoming pensioners—for it has rarely happened that they have been restored, owing to the accumulated arrears of Public Revenue remaining undischarged from the assets of the zamindari under management of the Collector. At this period, several are in the predicament now described.'

Then next paragraph:

'This system having been found delusive'
that is, the previous system, the outgoing system—

'This system having been found delusive to Government, and at the same time incompatible with the general interests of the country, it has been resolved to adopt the reform introduced some years since into the Bengal Province, by constituting the several zamindars, and other landholders, having individual claims to such distinction actual proprietors of the soil, or lands composing their estates, subject to such conditions as will be hereafter noted, and secured to them, under a strict adherence to those conditions by regular established Courts of Justice, the principles of these will be also hereafter explained.'

As the use of these words 'proprietor of the soil' gave them a handle again to go on contesting for and claiming rights of the soil itself, this has been explained further. 'Proprietors of the soil' means, not the owners of the soil, but the proprietors who take the melwaram interest from the land. That has been explained later on in the next paragraph, Sir, as follows:—

'When the possession of land no longer subjects the proprietor to the disgrace he is at present liable to, and then the tenure is known to be secured as long as the fixed public dues are regularly discharged, and that whilst they conform to the laws, to be administered by the courts, there is no power in the country that can infringe their rights, or property, or oppress them with impunity, there can be little doubt but land will be everywhere coveted, and that a considerable portion of the wealth possessed by the inhabitants which now lies dead, or is employed in other channels, will be applied to the improvement of it.'

In the next passage it is stated:

'In order however more effectually to secure this great desideratum by giving to property its chief value, the limitation of the public demand thereon, it has been further resolved to form a settlement with each

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estate on a principle of permanency, calculating the same upon equitable moderate terms according to the resources of the district combining its present state, and probable improvement in the course of a short period under the system of property, and security about to take place—the *Jumma*, or land-tax which may be deemed adequate upon this principle to be fixed is perpetuity, and declared unalterable.

I request the attention of hon. Members of this House to the last two lines of the paragraph which I have just now read. This word '*Jumma*' has been interpreted by the landholders as meaning only peshkash. But it is not so. It is sometimes used in that sense whenever the landholder alone was concerned. But, in fixing the land revenue and in distributing it between two parties, when that method was adopted, the word '*Jumma*' was used in quite a different sense and that is the sense in which it is used here, namely:

'*Jumma* or land-tax which may be deemed adequate upon this principle to be fixed in perpetuity, and declared unalterable.'

The next paragraph, Sir, is a very important one to refute the contention of the landholders that the Permanent Settlement Regulations were intended only for their benefit, and to fix only the peshkash permanently and to leave them free to deal with these men as they pleased. It is said here:

— "The object of the Permanent Settlement is stated in this paragraph, on page 71 of the Appendices Volume:

'The object of Government distinct from the consideration of the Public Revenue is to ascertain and protect private rights, and the limitation of the public demand upon the lands is obviously the most important, and a valuable right that can be conferred on the body of the people, who are in any respect concerned in the cultivation of the land. The measure is likewise connected with the emancipation of this class of people from the severities and oppressions of amils, farmers, and other officers necessarily employed to collect the public dues, when they are liable to frequent and arbitrary variations: it involves the happiness of the cultivators of the soil who cannot expect to experience moderation, or encouragement from their landlords whilst they themselves are exposed to indefinite demands. The prosperity of the commercial part of the people equally depends upon the adoption of it, as trade and manufactures must flourish in proportion to the quantity of raw materials produced from the lands—it will render the situation of proprietor of land honourable instead of disreputable, and land will become the best instead of the worst of property: and what is of equal importance it will enable us to perpetuate to the people a Government of law and security in the room of one founded on temporary expedient, and which must be either beneficent, or destructive according to the character of the individual appointed to superintend it.'

Nothing can be clearer, Sir, than the language used here to show that the whole of the Permanent Settlement Regulations were intended for the primary purpose of giving protection to these helpless men, to emancipate them, to enable them to exercise their own rights on their own lands, by fixing an unalterable tax based on moderate terms—that was what was intended at that time—so that they would cultivate the land, small or big, it did not matter, by which they could save enough for the maintenance of themselves and their families, and then save

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something more to promote the manufacture, industry and commerce of the country. That was the object of the Permanent Settlement Regulations and that was the object of fixing the rate permanently and unalterably.

" Paragraph 11, at page 72 of the Appendices volume will give the method adopted for fixing up this land revenue, permanently and unalterably.

This paragraph 11 gives the procedure; it runs as follows:—

'With respect to the objections drawn from the disorder and confusion in the collections, the uncertainty of the amount, the variable indefinite rules by which they are levied, the exactions and collusions thence too prevalent, the intricacies in the details of the revenue business, and the ignorance and incapacity of the zamindars—Lord Cornwallis charges these evils so far as they exist (and we think with great justice) upon the old system, as a system defective in its principle, and carrying through all the gradations of the people with multiplied ill-effects, that character of uncertain arbitrary imposition which originated at the head. He, therefore, very properly contends that reform must begin there, and that, in order to simplify and regulate the demands of the landholders upon their tenants, the first step is to fix the demand of Government itself.'

It is not fixing an unalterable and permanent peshkash only. They say: 'We want to do this to give relief to both the cultivators and the landholders. The first step that we should take is to fix the demand of the Government upon the land.' That is what I referred to, Sir, yesterday. Both these honourable men, the Hon. Mr. Crole and the Hon. Mr. Forbes, were so vehement in maintaining and in defending the rights of these ryots. They were depending upon these documents. They did not draw it from their imagination. It was not idle talk that they were indulging in. To-day, if I should be standing alone here and simply claiming that these ryots are the owners of the soil and that the rates of rent had been fixed permanently, without collecting all this and placing it before the hon. House, what would have been said about me? It has been said already, because they did not know these things beforehand. That is why I am taking a little time to place all these facts before the hon. Members of this House who represent millions of the people.

" Another set of documents, I will refer to; I will not quote all the rules; there are very many. The whole procedure is made out there and the sections that you find to-day, Sir, under the Permanent Settlement Regulation, the Patta Regulation, the Karnams Regulation or the Regulation XXI of 1802 or any other Regulation, all these have been provided for in these instructions to Collectors. It is practically these rules that have been embodied in all the sections there. That is why, I did not take time to go through other portions, but I will refer to another set of documents to show that what the Hon. Mr. Crole and the Hon. Mr. Forbes, were taking—and all these things

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we are merely copying from what had been on record—are all based upon this material. I will just refer to one or two papers.

“Before the Permanent Settlement Regulations were passed, Special Commissions were appointed for the various estates and groups of estates. These Special Commissions investigated the whole matter and then they submitted a report to the Government. In the course of their report they have referred to the principle that is adopted in section 9 of the Patta Regulation. That is, in case of dispute, you should not enquire into all new contentions that will be placed before you. ‘You should go back only to the year 1801 rate which corresponds to fasli 1210 and you must adopt that rate and settle that as the proper rate as between the landholder and the tenant.’ I am going to refer to what some Special Commissions have stated in their reports. I would draw the attention of hon. Members to page 243 of the Appendices volume; paragraph 77 runs as follows:—

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‘One of the most important objects of the solicitude of that class is the warum (or share of the crop) a subject which appears prevailed for the last six years ought in our judgment to be confirmed according to the Dowle of Fasli 1210 as the standard for decision in cases of dispute.’

“The Dowle for Fasli 1210 means the rates as fixed in 1210 which is the same as 1801 A.D., the year preceding the Permanent Settlement.

‘We do not recommend these rates of warum from an entire conviction of their invariable equality, but, because we think it will be highly expedient to enable the proprietors of land to enforce a fixed and known rate of division; without which the means of cavil on this point are so abundant as to be capable of involving every proprietor of land in inextricable disputes with his tenants; and consequently to depreciate the value of land. Possessing the power of enforcing a fixed rate of division, the proprietor will retain the option of relaxing the exercise of it, and will consequently be enabled to afford encouragement to industry and to repress the litigious spirit, which too generally distinguishes the lower order of our Indian subjects. The inhabitants will find protection in the courts of judicature from the oppression of the proprietor, but unless some defined rule be fixed, the proprietor would be continually harassed by obsolete claims of prescriptive “Mamool.”’

“In the next page it is put more explicitly both with regard to lands where warum rates prevailed and money rates prevailed. At page 244, paragraph 79 it is said:

‘The Dowle of Fasli 1210 formed by the Collector with the utmost degree of care on the actual produce, and containing all the deductions from the gross produce with the increased warum in the lands requiring that indulgence, is in our judgment, the best rule both for the proprietors of land and for the inhabitants; we have accordingly included in the proposed conditions of sale that Dowle for the purpose of becoming the standard by which all parties are to be guided in disputes relative to deductions from the gross produce and to the division of the crops between proprietors of land and the inhabitants.’

“Even with regard to claims with regard to lands the same rule applied. Paragraph 81 relates to ready money collections:

‘We have also provided in the proposed conditions that the ready money collections shall be regulated agreeably to the Dowle of Fasli

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1210, but we have been induced from the explanations contained in Mr. Place's report of the 6th June 1799 and in the report of the present Collector, paragraph 46 to consider the orders on the subject of the *teerva* or money payment to be collected on ground occupied by *topes* of fruit trees.’

“I have read these passages from the Special Commission's report with a view to enable the House to understand that before the Permanent Settlement Regulations were enacted, before the *pattas* and *muchilkas* were exchanged, these were fixed by the Special Commission. They say here: This is what should be fixed. If, there should be any dispute and ‘where disputes may arise’ in the language used in the Patta Regulation, or Regulation XXX, section 9, the rates of Fasli 1210 or the year 1801 should be adopted. They further add this: ‘We have fixed this. We are going to make this a condition of sale.’ This is with reference to *jaghirs*.

“The *jaghirs* have got a history by themselves in the Chingleput district. The *jaghir* property there reverted to Government on account of certain troubles in which the *jaghirs* were involved. They became the Crown property again. When they became Crown property they wanted to put them up for purposes of sale to the public. Hon. Members of the House are aware that there will be proclamations of sale; the conditions of sale and all these were published in proper form and in proper time in the Collector's office in the Sadar Adalat Court and in other public places. One of the conditions of sale, Sir, you will find, was to the effect that those who purchase these properties should take a note of it that they take it subject to the condition that they will be able to realize only that rate of rent that was fixed in Fasli 1210 and that they would not be entitled to enhance that rate and claim anything higher than that from the *ryots*. At page 253 of the Appendices volume hon. Members will find paragraph 18 which is one of the conditions of sale—At page 250 you will find the heading of that chapter: ‘General conditions of sale for the estates in the *jaghir*’ Paragraph 18 runs as follows:—

‘All purchasers of land succeed to the seignoral right which Government exercise in their capacity of general Landlord; but in order to prevent abuse of the exercise of this right Government will frame regulations for the protection of the rights, prescriptions, immunities and customary advantages of the lower class of people; in order, however, to prevent litigations on the part of the inhabitants it is declared to all purchasers of land that the inhabitants of the *jaghir* are not considered entitled to a higher rate of warum than that inserted in the Dowle of Fasli 1210 nor is the purchaser entitled to a higher division of the produce as succeeding to the rights of the Government than the rate therein specified as the Government share.’

“In paragraph 20 again they say:

‘All purchasers of land are entitled to collect the *Rockadayam* or ready money collections at the rate inserted in the Dowle of Fasli 1210 with the exceptions of the ready money payments fixed at the rate of one *pagoda* per *cauny* on *topes* of fruit trees.’

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"Well, Sir, hon. Members of this House are dealing with different kinds of estates. There are what are called Havelly estates carved out of Crown lands, purchased by the proprietors in public auction put up by the Government. Government took particular care to say here: 'We are putting up these estates for sale. Be it known to all intending purchasers that when they come and purchase this they will not be entitled to any enhancement of rents and they must take it subject to the condition that the rates fixed in 1210 are the rates fixed unalterably. They should collect from the ryots only that and nothing more or less.' There are reports of other Special Commission, Sir, and I do not want to trouble the House with them.

"These are the authorities to show that the rents had been fixed permanently and unalterably before the Permanent Settlement Regulations had been provided. Do you find, Sir, anything different in the Regulations XXV of 1802 and XXX of 1802? You will not, because, Sir, you will find they adopt what has been hitherto in all the previous authorities quoted by me. It is stated that the Permanent Settlement Regulation XXV of 1802 is a Regulation which is supposed to help the landholders exclusively. In the preamble the whole previous history as it prevailed before the Regulation as drafted is set out. Yesterday, I submitted to the hon. Members the difficulties experienced by the Government in the matter of collecting their own revenue, the troubles given to them by the landholders themselves and the oppression caused to the ryots. All these things are stated and then they enacted a few sections in order to declare the rules to the parties. I have stated in the afternoon and it will be very easy for me to read those sections and point out that it was a definite plan of the British Government in those days. What was intended by the Government by the Permanent Settlement Regulations you will be able to understand. The Regulation is at page 82 of the Appendices volume. There are only 15 sections in the Permanent Settlement Regulation and an equal number of sections in the Patta Regulation. These two Regulations are very important and they will enable hon. Members of the House who may have some vague ideas about these Permanent Settlement Regulations. At page 82 the preamble runs as follows:—

'Whereas it is known to the zemindars, merassydars, ryots, and cultivators of land in the territories subject to the Government of Fort St. George, that, from the earliest until the present period of time, the public assessment of the land revenue has never been fixed; but that, according to the practice of Asiatic governments, the assessment of the land revenue has fluctuated without any fixed principles for the determination of the amount and without any security on the zemindars or other persons for the continuance of a moderate land-tax; that, on the contrary, frequent inquiries have been instituted by the ruling power, whether Hindoo or Mahomedan, for the purpose of augmenting the assessment of the land revenue; that it has been customary to regulate such augmentations by the inquiries and opinions of the local officers appointed by the ruling power for the time being; and that in the attainment of an increased revenue on such foundations, it has been usual for

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the Government to deprive the zemindars, and to appoint persons on its own behalf to the management of the zemindaries, thereby reserving to the ruling power the implied right, and the actual exercise of the proprietary possession of all lands whatever; and whereas it is obvious to the said zemindars, merassydars, ryots, and cultivators of land that such a mode of administration must be injurious to the permanent prosperity of the country by obstructing the progress of agriculture, population and wealth, and destructive of the comfort of individual persons by diminishing the security of personal freedom and of private property; wherefore, the British Government, impressed with a deep sense of the injuries arising to the State and to its subjects from the operation of such principles, has resolved to remove from its administration so fruitful a source of uncertainty and disquietude, to grant to zamindars and other landholders, their heirs and successors, a permanent property in their land in all time to come, and to fix for ever a moderate assessment of public revenue on such lands, the amount of which shall never be liable to be increased under by circumstances.'

"That is the preamble. I need not comment upon what has been stated here. Each sentence is self-contained. After stating all these reasons, they proceed to say in section 2 as follows:

'In conformity to these principles, an assessment shall be fixed on all lands liable to pay revenue to the Government; and in consequence of such assessment, the proprietary right of the soil shall become vested in the zamindars or other proprietors of land; and in their heirs and lawful successors for ever.'

"I would like to say a few words on this section 2. Having stated the objects and reasons and enunciated the principles also, they proceed to the next step in conformity to those principles that the assessment shall be fixed on all lands liable to pay revenue to the Government. As I have already read, the first step to be done by them was to start at the head and fix the public revenue which the Government was entitled to get upon these lands. When once the assessment was fixed, what happened next? In consequence of such assessment the proprietary right of the soil shall become vested in the zamindars or other proprietors of land. Not only that a Permanent Settlement arrangement was made but the proprietary right of the soil, thereby meaning the right to collect the land revenue, would vest in the proprietors. It is only when these things are accomplished that the proprietary right of the soil would vest in the landholder.

"The next section deals with the conditions:

'Where the conditions of the permanent assessment of the revenue may have been adjusted, a sunnud-i-milkeut istimrar or deed of permanent property, shall be granted on the part of the British Government to all persons being, or constituted to be, zamindars or proprietors of land; and each zamindar or proprietor of land shall execute and deliver to the Collector of the district a corresponding cabooleat. The said sunnads and cabooleats shall contain the conditions and articles of tenure by which the lands shall be held. In all cases of disputed assessment, reference shall be had to the sunnads and cabooleats, and judgment shall be given by the Courts of Judicature in conformity to the conditions under which the agreement may have been formed in each particular case.'

"So it will be seen that all these preliminaries should be carried out, all these terms settled, and when all these things were reduced to writing, it was only then that the vesting of the property started.

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"Section 4 deals merely with the method to be adopted for fixing the assessment. One of the fundamental rules laid down by them, before enacting a Permanent Settlement Regulation, was the exclusion of certain articles of revenue from the gross assets. Section 4 reads as follows:

"The Government having reserved to itself the entire exercise of its discretion in continuing or abolishing, temporarily or permanently, the articles of revenue included according to the custom and practice of the country, under the several heads of salt and saltpetre—of the sayer, or duties by sea or land—of the abkary, or tax on the sale of spirituous liquors and intoxicating drugs—of the excise on articles of consumption—of all taxes, personal and professional, as well as those derived from markets, fairs, or bazaars—of lakhiraj lands (or lands exempt from the payment of land revenue), and of all other lands paying only favourable quit-rents—the permanent assessment of the land-tax shall be made exclusively of the said articles now recited."

"The next section, section 5, deals with the lands that were given to the police and other people. All these lands were taken over by Government and they were not included in the assets.

"Section 6 relates to payment of money fixed as assessment:

"The landholders shall regularly pay in all seasons, in the current coin of their respective provinces, the amount of the permanent assessment fixed on their lands; the remission of revenue which has occasionally been granted according to the custom of the country on account of drought, inundation, or other calamity of the season, shall cease and never be revived."

"There was remission in the past; that was cancelled.

"Section 7 deals with the distraint process that would be adopted for recovering the monies.

"Section 8 is the one which I referred to yesterday and which I do not propose to read now. I will only remind hon. Members of the House of the fact that this section of the Permanent Settlement Regulation which as I have stated deals with the exchange of sanads and kabuliyats and all the terms implied therein, should be enforced loyally and faithfully, and in it transfers may be made by landholders to other persons by way of sale, gift or otherwise. When such transfers are made, the conditions of the transfer are also implied in the section. All such alienations, all such transfers wherever valid, would be subject to the proviso that none of the conditions of these deeds should be repugnant to the Muhammadan or Hindu laws or to the Regulations of the British Government. So, this section 8 is embodied in every sanad issued to the landholders and zamindars. Every sanad contains it. Every sanad contains the whole of the preamble of the Permanent Settlement Regulation. Every sanad contains some other sections of the Permanent Settlement Regulation. Section 7 lays down that having entered into an agreement with us, you will always be bound by the provisions of law enacted by us as our regulations. Patta Regulation XXX was one of those regulations. It clearly states that in cases of disputes between the landlords and the ryots, you must go to the year 1801 and fix up that rent for the simple reason that it was understood

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that it should be permanent and unalterable in the same manner in which two-thirds of the total revenue which is called pesh-kash has remained unalterable and permanent. This brings the parties together, the Government and the landholder, through the sanads and the kabuliyats that were exchanged between them both. It is an integral part of the understanding between them. Everyone of the sanads issued to all the estates contains it. Everyone has bound himself by this. What is the good of contending we were ignorant, our ancestors were ignorant, we did not know the effect of these? The best of the lawyers have helped you; nobody's attention could have escaped the conditions embodied in the sanads themselves.

"There is one other important section, which I should refer to to show that this Permanent Settlement Regulation was not intended exclusively for the benefit of the landholders as the preamble and other sections which I have read show. It was addressed to the zamindars, ryots and other people who were concerned with the matter, and the whole thing was intended primarily to protect the interests of the ryots.

"I submitted a little while ago, that the Patta Regulation was intended to protect the rights of the ryots as against the landholders and the Permanent Settlement Regulation was intended to regulate the relation between the landholders, zamindars and the Government. That should not be taken as meaning that they were absolutely independent of each other, independent of these two regulations. They were interconnected very closely and this section 14 which I will read just now, would show clearly that even the payment of rent and the granting of receipts to the ryots has been prescribed in the Permanent Settlement Regulation. This is a very important section. I shall read it:

"Zamindars or landholders shall enter into engagements with their ryots for a rent, either in money or in kind, and shall within a reasonable period of time grant to each ryot a patta or cowle, defining the amount to be paid by him, and explaining every condition of the engagement. And the said zamindars or landholders shall grant regular receipts to the ryots for discharges in money or in kind made by the ryots on account of the zamindars. Where a zamindar after the expiration of a reasonable period of time from the execution of his caboolat may neglect or refuse to comply with the demands of his under-farmers, or ryots for the pattas or receipts above mentioned, such zamindar shall be liable to be sued in the Adawlut of the zillah and shall pay such damages as may be decreed by the Adawlut to the complainant."

"So this is the connecting link between the Patta Regulation and the Permanent Settlement Regulation. There is the section of the Permanent Settlement Regulation which says: Here we have given you sanads, we have fixed for you the terms, we have made you give an undertaking that you will be loyal to the ryots whom we have assigned to you, that you would be protecting their interests. And beyond that, protection is further given in section 14. What does it say? The rent must be defined; it must be a

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5 p.m. specific amount; you cannot go out of that condition. It has been stated already that the rent should be a defined rent in the same manner as your peshkash has been defined, and that the rent remains unalterable in the same manner as the peshkash remains unalterable. So we make it a condition before giving the sanad that you give an undertaking that you will enter into rigid undertakings with the tenants and also undertake that you will give the tenants receipts when they pay moneys. These were the two terms that were embodied in section 14 of the Permanent Settlement Regulation. How can they get out of it? This is not a thing thrust upon them for the first time here. This dates from the time of the Permanent Settlement Regulation under a term included in their sanads. They are bound by it. By some oversight or for some reason no doubt, they have been able to change the whole thing by getting enhanced rent from the ryots.

“Now, Sir, I will refer briefly to the Patta Regulation which is an equally important one. What does the preamble of the Patta Regulation say? I have to quote from this regulation because questions have been asked and doubts have been raised about certain matters relating to the rates of rent, money rent and waram rent or sharing of the produce. Some doubts have been raised by hon. Members about the grain rents. No doubt these doubts would apply to money rents also. Now about grain rents. If grain rents had continued from 1802, till now, what is the amount of rent that they wish to compute into cash to-day? We have stated in the recommendations of our report that everything was settled permanently; whether it was grain rent or money rent, it made no difference. They drew no difference between grain rent and money rent. They adopted the same measure to ascertain what each should be. We have stated that these grain rents had been fixed at the time of the Permanent Settlement taking the averages of a number of years in the same manner in which money rents have been fixed by taking the averages. They became permanent. The produce was converted into money rent on a particular scientific basis and the mere fact that it is being paid even to-day will not entitle the landholder to claim the commutation rates that prevail to-day. If it was Rs. 20 then and Rs. 100 to-day, the landholder says that he will be entitled to claim commutation rate as it prevails to-day. We point out to the hon. Members of the House that that was not the intention of the Permanent Settlement Regulations’ authors when they passed those regulations. The Patta Regulation deals with the subject and I am taking hon. Members through the provisions of the Patta Regulation to explain this point. Before going into the sections themselves, I would draw attention to the very important preamble added to it in order to enable hon. Members to understand on what basis they started this new scheme, how they had abandoned the old fluctuating

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system and how they adopted the new system which was intended to be permanent and unalterable. They have stated that in the preamble. If hon. Members will turn to page 104 of the Appendices they will find this:

A regulation prescribing pattas to be used between landholders and their under-farmers, tenants and ryots, in the British territories subject to the Presidency of Fort. St. George: Passed by the Governor in Council, of Fort St. George, on 13th July 1802.

‘It being advisable that the existing indefinite mode of dividing the produce of the earth, and of accounting for the customary ready-money revenue, should be abolished to the end that cultivators and under-tenants of land may have the benefit and protection of determinate agreements in their dealings with superior landholders and farmers of land, and it being necessary to the security and comfort of cultivators and under-tenants that the terms of such agreement should be made specific, to the end that cultivators and under-tenants, being sensible of the advantage of such security, may have recourse to them for the prevention of disputes; wherefore the following rules have been enacted for the execution of pattas between proprietors or farmers of land, or aumils, and under-tenants, under-farmers or ryots.’

That is the preamble. How does it start, Sir? I request the attention of hon. Members to this: A fluctuating or varying system causes damage to the people, to the country and to the Government and everybody concerned, is the statement made in the preamble of the other Regulation also. It is stated therein that as the fluctuating system must be terminated (it is hereby abolished). The old system under which the rates were varying, whether grain or money rents it made no difference, we are abolishing. After abolishing that, we propose to provide for defined agreements being entered into between the parties. Now, what are the defined agreements? Defined agreements have been already referred to—how they fixed the tenure as well as the rates of rent permanently and unalterably and how those defined agreements were directed to be embodied in the pattas and muchilikas that had to be exchanged between the landholders and the ryots. The preamble is so important that it enables hon. Members of the House to understand that they decided to abolish altogether the old fluctuating and varying system and in its place introduced defined agreements. And the preamble of the Permanent Settlement Regulation stated: ‘The object is to introduce a moderate land revenue so that the cultivator will be benefited, he would live and he would help his country also.’ They were not selfish men who drafted those regulations, and who made them law here. At that stage, the British Government were always harping upon the one fact that it is not only to enable the cultivator to live himself after paying this moderate assessment on the land, that they made the regulation but that they were anxious to enable this man to produce something more, to promote the industries in this country and so on. With that wholesome object they framed all these rules. They entrusted all these men into the hands of the landholders who had

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been paying peshkash without the addition of a single pie. They ought to have known that the other portion formed part of the public revenue which they were asked to collect and that it would be a sin to interfere with it, to enhance it and to trouble these men to give whether they begged, borrowed or stole.

"Section 2 of the Patta Regulation says:

'Proprietors and farmers of land shall enter into agreements with the inhabitants and cultivators of land, on the terms on which they respectively occupy such lands; and the contracting parties shall be mutually bound to exchange their engagements in writing; the engagements of the proprietor being denominated "pattah," and the engagement of the ryot being denominated "muchilika."

"Section 3 says:

'Pattas and muchilikas shall be exchanged within six months, calculating from the time of the permanent assessment being fixed.'

"I have submitted, Sir, already that most of the pattas had been executed even before the Permanent Settlement Regulations were drawn up, but yet, for those who remained without completing their agreements, provision was made giving them time for six months within which they should complete it.

"Section 4 is important. It says:

'Pattas and muchilikas may be of four kinds; first, for the rents of villages in gross sums of money; secondly, for a division of the produce of land; thirdly, for lands on which a money rent is assessed; fourthly, for lands charged with a grain rent.'

"With regard to the first, the joint village system was still lingering on in those days even after the introduction of the ryot-wari system; provision was made to meet such cases.

"Secondly, it says:

'Pattas and muchilikas shall contain the date of the month, and the year on which they may be executed; the names and situation of the contracting parties generally.'

"The third, fourth, fifth and sixth deal with the four kinds of pattas defined above. The third deals with the village rent system:

'Pattas for village rents shall contain the name of the village, the extent of the lands therein, the amount of the rent per annum, the period of the kists, which proprietors or farmers of land shall be compellable to adjust according to the time of reaping or of selling the produce of the land, and the coin in which the rent is to be paid.'

This was, as I said, with regard to the village rent system. The fourth one relates to the division of the produce of the land.

"It says:

'Pattas for the division of the produce of land shall be drawn according to the form prescribed in clause third; but in lieu of the money rent, such pattas shall specify the extent of the land, which the under-tenant,

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under-farmer or ryot may engage to cultivate, and the rate of the cultivator's share of the different kinds of grain cultivated and produced.'

"That is with regard to the division of the produce in kind. The fifth one relates to money rent. It says:

'Pattas for lands on which a money rent is assessed shall, in addition to the items described in clause third, specify the rate of assessment on such lands, according to the land measure in use, and the rents on each description of land or grain, as the usage may be.'

No trouble is considered to exist with regard to money rents generally speaking.

"The sixth clause says:

'Pattas for lands charged with a grain rent shall, in addition to the items prescribed by clause third, state the specific quantity of land occupied under the description of rent, the specific quantity of grain to be rendered, and the species of grain.'

"These are the four kinds of pattas. Sir, I am laying a little stress upon this because it has been suggested that even granting that the rates of rent were fixed permanently and unalterably then and that we are bound by that, how can you go to 1802 and establish those rates now to-day? What have you got now in this connexion to do this? What have you got in the possession of your Government? How can those rates be ascertained? Well, the very simple answer to these questions is that they are not in possession of the Government of the day.

"I would put in the same question if I had been outside this Government. Having been a Member of this Government I have been able to go into all the documents that have been so carefully preserved by the previous Governments from the year 1802 till now. There may be some records which on account of floods or cyclones or some other causes might have been washed away as it was so stated in one or two centres where the Committee toured. Even without them we have got enough material on record. We have laboured hard with regard to the ascertainment of those lost materials and we have given illustrations to show that the material was there even previously.

"Coming to the rates of rent, as regards money rent generally, it is said that there is no difficulty with regard to fixing it at a particular limit if our position is alright, if our case is alright, and if it is true and just. But with regard to grain rent, it is said 'how are you going to commute grain rent into money rent; why have you taken this unreasonable position by starting from the year 1802; why do you say to-day that it is to be commuted into cash according to the prices that were prevailing in 1801 and not at the present rates?' My simple answer is that grain rent and money rent were both fixed at the time of the Permanent Settlement simultaneously. Wherever money rent prevailed they fixed

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money rent and wherever grain rent prevailed, they fixed grain rent. They adopted the same procedure. With regard to the fixing of money rent, for settling the permanently settled rates of 1802, taking 1801 as the basis, they went back to certain years and they worked out the average and fixed it as the unalterable rent from the year 1801. In the case of grain rent they went back to three, five or six years preceding the year in which they settled the rate and ascertained the average for the respective number of years and fixed that average as the permanent rate. If that had not been done, this Patta Regulation ought to have been torn off. The Patta Regulations started by saying 'all the old systems have been abolished; the system which adopts fluctuating rates of assessment we shall not see any more and in its place we are introducing a permanent and an unalterable system.' When they said that with regard to the fixing of grain rent, is it to be said that the fixation of grain rents was left to the tender mercies of the landholder and to claim his own rates, or to claim Rs. 600 to-day as the commutation price according to the prevailing prices of to-day and not at what it was in 1801, say Rs. 40 or Rs. 50? That was not the object of the Permanent Settlement Regulation or the Patta Regulation. The object of those regulations was to abolish the old systems, both the sharing system of the produce and the money rent system and to introduce in their stead a moderate and permanent rate of rent. They fixed the rates of rent on that basis. It may not be that it was done so scientifically as it is done to-day according to paimash register or according to survey records. But I would submit that the system they adopted was enough for those days and it was enough for them to carry on their business, and they had been carrying on their business with a measurement of their own. According to that measurement they settled both the grain and money rent. So there was no difficulty with regard to money or grain rent.

"Sir, I have taken a little more time, with your permission, to explain this position. I am sorry I have taken so much time and I should not have taken so much time in discussing a report of this kind. But this is a report which has created a sensation all round the Presidency and which, the moment it appeared in the Press, within twelve hours, created such a sensation that some people said that this document should not be looked into by anybody and that it is most unscientific, revolutionary and expropriatory. I am explaining to hon. Members at some length in order to show what is in possession of the Government with regard to this matter, and what the real position is. As hon. Members of this House will see from section 6 of the Patta Regulation of 1802, they were very considerate with regard to safe-guarding the interests of tenants. Besides the section for fixing the rent permanently and unalterably, there were other sections in those regulations with regard to illegal

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exactions made in those days in so many different names. This is what section 6 says:

'When the rents or revenues of land, payable either in money or in kind to the proprietor may have been collected under various denominations, in addition to that of the proprietor's share, such as canongoi and cavelly russions or other charges they shall be consolidated in the pattahs, etc.'

They said that all the illegal exactions that were being made should be consolidated and the rate fixed permanently because of the arrangement consequent upon the Permanent Settlement. When the zamindars could not do likewise, they had to take the consequences and all the illegal exactions that were being made by the zamindars were declared as illegal and unenforceable. Then comes section 7 of the Patta Regulation which states:

'Proprietors or farmers of land shall not levy any new assessment or tax on the ryots under any name or under any pretence; exactions other than those consolidated in the pattah or otherwise authorized by the Government shall, upon proof subject the proprietor or farmer to a penalty equal to three times the amount of such exaction.'

Then comes section 8 of the Patta Regulation which is very important to enable hon. Members of the House to understand what was meant by patta. Patta was not a loose paper that was given by the landholder to the tenant. Patta is a sacred document, as sacred as a sanad and the rate of rent could not have been permanent and unalterable if every year the ryot began to acquire a new piece of land and cultivate it. Therefore in section 8 they said: that pattas and muchilikas should be exchanged. When a ryot demands patta from a landholder and the latter refuses to give such, what is the penalty imposed upon him for it? The penalty is criminal prosecution. That is what section 8 of the Patta Regulation says. If this had been merely a matter between the landholder and the tenant, and if the right had been vested in the landholder either to give the patta or refuse it, then how could criminal prosecution be thought of?

"Then comes section 9 of the Patta Regulation which I have quoted several times and this is what it says:

'Where disputes may arise respecting rates of assessment in money or of division in kind, the rate shall be determined according to the rates prevailing in the cultivated lands in the year preceding the assessment of the permanent jummah, etc.'

"Sir, I would like to say only one word more about another Regulation and that is Regulation No. XXIX. It is called the Karnams Regulation. I do not wish to trouble hon. Members of the House by reading the preamble to that Regulation. I shall briefly refer to the object with which it was framed. It will be found in the preamble of the Regulation itself. Formerly before the Permanent Settlement was introduced, the Company (the British Government) was compelled to maintain a large revenue establishment as detectives and tax collectors and for so many other purposes. They had to maintain such a large establishment, because they could not rely upon their landholders who

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were their collection agents to detect crimes. All this establishment was abolished on the date of the Permanent Settlement. In abolishing that, they said 'we will have only one man, the village accountant, the karnam; we do not require any more establishment because we have settled everything permanently; the peshkash has been settled; the rent has been settled; there can be no dispute between the parties hereafter in this respect, and for the matter of collection and payment karnam is enough; if he enters in the register all the details that are required for adjudication of claims in a court of law that is enough.' That is what they said and that is what is known as Karnams Regulation. If you look into the various sections of that Regulation, you will find that everything was planned. The karnam has to maintain a record-of-rights; he has to maintain a register to show the extent of lands under cultivation at the time of the Permanent Settlement and also the extent of lands that had been subsequently added by way of extended cultivation. All that had to be maintained by one man, and when any dispute arose with regard to rates of rent, the court had to decide such disputes in the light of the account kept by the karnam and give their decision as to what was the rent that was prevailing previously and what should be the rent thereafter. That was the plan adumbrated under the Permanent Settlement Regulations and that was the pledge given under those Regulations to the ryots for whose interests the Government were so anxious in those days.

"What has happened after the Permanent Settlement Regulations? I have already explained as to how between the date of the Permanent Settlement Regulation and the Rent Recovery Act of 1865 various things were done by landholders. At the time when the Rent Recovery Bill was introduced—I did not read the relevant section of that Act yesterday—the Government reproduced therein sections 7 and 9 of the Patta Regulation in clause 10 of that Bill, but those sections in their original form did not appear in the Rent Recovery Act when it was passed. Section 10 of the Rent Recovery Act will be found on page 197 of the Appendices Volume and this is what it says:

'Landholders of the first class who occupy the place of the Government in reference to the land, and are only entitled to the tax payable therefrom or to a portion of it shall not levy any unauthorized assessment or tax on their ryots under any name or under any pretence.'

"From the above, hon. Members of the House will see that section 10 of the Rent Recovery Act runs on somewhat the same lines as sections 7 and 9 of the Patta Regulation and the latter have been embodied in the former.

"Then I come to section 9 of the Patta Regulation which runs as follows:—

'Where disputes may arise respecting rates of assessment in money or of division in kind, the rates shall be determined according to the rates

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prevailing in the cultivated land in the year preceding the assessment of the permanent jumrah on such lands; or where those rates may not be ascertainable according to the rates established for lands of the same description and quality as those respecting which the dispute may arise.'

"So, bodily both the sections were included in clause 10 of the Rent Recovery Bill. But that Rent Bill went to the Select Committee and the Select Committee submitted its report. The landholders being very clever people would never leave any point at any particular stage as settled. Even the Select Committee was approached with petitions by the landholders and those petitions were referred to by the Select Committee in their report and they gave their own opinion about the matter. It was in connexion with this Rent Bill that I submitted already that the Revenue Board of Madras was called upon to examine the decision given by Mr. Collett, the District Judge of Vizagapatam, in a ridiculous manner contravening the plain meaning of the section. It was in that connexion that the Revenue Board sent the Proceedings No. 7743 as I already stated. The Proceedings were received by the Government and there was a big history about it. I do not want to trouble hon. Members of this House with that. I will go straight to the stage of the Select Committee. The Bill as introduced faithfully reproduced sections 7 and 9 of the Patta Regulation and if the Act had been passed then, there would have been no room for the law courts to interpret in any different way from what the judges of the Adalat Court decided. Because it changed shape and form and section 11 was given in its place, that became the subject of interpretation. What the Select Committee stated is found at page 200 of the Appendices Volume, paragraph 4:

'The Committee deem it unnecessary to enter into the discussions to which that important measure has led. They will shortly observe that without going so far as to hold that zamindars are only farmers or assignees of the public revenue and not proprietors of their estates they unanimously concur with the Board that the Regulations of 1802 were intended to protect the rights of occupants of land under zamindars by fixing the maximum rent demandable from them and forbidding their ejection as long as that rent was paid. The Committee further hold that Regulations IV and V of 1822 were passed for the increased protection of such occupants of land, in consequence of passages in the Regulations of 1802 which spoke of a proprietary right being conferred on zamindars having led to doubt and misapprehension.'

"Then, Sir, I submitted yesterday that the next stage was 1885 when the Tenancy Bill was introduced by one Mr. Carmichael. Then an attempt was made to introduce sections relating to presumptions about fair and equitable rent and the occupancy rights and the non-occupancy rights. Rules that were foreign to the land revenue system of the Madras Presidency were introduced for the first time in that Bill. And Mr. Crole who was not a Member of the Government in 1885 and whose opinion was sought for put his foot on the whole attempt and said: 'The whole thing is foreign. What is going on in Bengal is quite different from what

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is going on here. Here we are going on peacefully and the rights of the ryots have been protected by the Government and the Board of Revenue. Why do you want to introduce new sections which cut away the rights of the ryots? On the protest both of the Revenue Board and of the authoritative persons, that Bill was dropped.

“Thirty years later, the Bill of 1898 came up and I submitted to you yesterday all about that. I submitted to you, Sir, yesterday how the Hon. Mr. Crole was depicted as a revolutionary person who introduced that measure with a view to expropriate the rights of the landholders. Therefore, Sir, it is no wonder if to-day the landholders should say that the recommendations of the present Bill are revolutionary and expropriatory. I do not want to take you into the whole story, but I should like to tell you what the Hon. the Raja Sahib of Bobbili said in reply to the Hon. Mr. Crole on that occasion in 1898, exactly forty years before. It is printed at page 703 of the Appendices volume:

‘The Raja of Bobbili’s reply to the Hon. Mr. Crole’s speech at the meeting of the Legislative Council held on the 13th June 1898 at Ootacamund.

‘YOUR EXCELLENCY,

‘The Hon. Mr. Crole’s introductory speech on the Tenancy Bill is, to say the least, a masterpiece. It evinces vast experience, ripe scholarship, elaborate research and a careful mastery of details. In short, it is a complete vindication of the present policy of the Government with regard to the Tenancy Bill.

‘All this I have no hesitation in saying from an official standpoint of view. But if the speech be looked at from another standpoint of view I regret I am obliged to demur. I am aware that my attempt to reply to the speech of an officer of the Hon. Mr. Crole’s attainments and experience would certainly seem audacious; nevertheless, the Bill is of such vast moment to the class of zamindars as a whole, that I, as their representative in the Council, feel it my duty to rejoin to some observations made by the Hon. Member in the course of his reply to the criticisms made by the various speakers at the meeting of the 13th of June last. The Hon. Mr. Crole’s speech if closely analysed purports to say—

- (1) that the East India Company in an evil day being quite ignorant of the history of the tenancy in this Presidency and unwilling to undertake the nuisance of the direct management of the land revenue, made over the tenants, the real owners of the soil, to the tender mercies of zamindars;
- (2) that as things stood in 1802 the Government was still divided in respect of the rights of the State and of the cultivator in the soil;
- (3) that the so-called zamindars were simply middlemen introduced in some cases by the Moghul Viceroys during the days of the decline of the Moghul power, and in other cases by the East India Company to rid themselves of the nuisance of the direct management of land revenue;
- (4) that though the question of tenancy was not explicitly dealt with in the Permanent Settlement sanads, yet the Government as if by anticipation reserved to itself, the right of enacting any measure at any time for the welfare and protection of its subjects.’

“From that reply, Sir, hon. Members must note that the Raja of Bobbili was stating that the Bill of 1898 was practically giving

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the Government power to interfere when they noticed oppression. Then, Sir, the Raja of Bobbili proceeds to say:

‘(5) That the Government when granting permanent leases in 1802, warned the zamindars that, far from oppressing their tenants, they should treat them kindly, and that the zamindars in their turn promised to do

“Now they deny that also. If they look into the sanads they will find the undertaking, though not in express terms.

“Then the next paragraph reproduces the contention of the Hon. Mr. Crole:

‘(6) That the Government in making that arrangement did or could never grant to the zamindars any rights over the tenants which the Government itself never possessed.’

“That was the honest statement of the Hon. Mr. Crole to the effect that the Government never claimed any right in the soil and that the right in the soil belonged to those who were on it. He told the zamindars: ‘The Government possessed only the right to collect land revenue and when we assigned the right to you, we could not have assigned to you anything more than what we possessed.’ That was the argument advanced by the Hon. Mr. Crole. The reply given to that argument by the Raja of Bobbili was that he would not admit even that position. He did not admit that position before then and he does not admit it even to-day. The next paragraph is important. It has reproduced what the Hon. Mr. Crole said:

‘(7) That as even from the time of Manu, the property in soil in India belonged only to the ryot but not to the king, the Government in effecting a permanent settlement of the land revenue with the zamindars did not grant them any higher status than that of middlemen, and as such, the zamindars have no right to enhance the rents of their tenants higher than those existing at the time of the Permanent Settlement.’

“Now, Sir, I crave the indulgence of hon. Members of this House and ask them whether anybody can say that we are now putting forth these arguments for the first time while all along the landholders have been enjoying their rights without being questioned by anybody from 1802 until now. There was a Government Bill introduced in 1898 and there is a whole speech of the Government Member in support of our position. I do not want to take hon. Members of this House through the whole speech as it will take a long time. I have put copies of the speech in the hands of hon. Members and I take it that they have gone through it. The Hon. Mr. Crole stated: ‘The rate was settled in 1802; it was a permanent rate and the zamindars have no right to interfere with it.’ Exactly forty years ago it was so stated. The Hon. Mr. Crole who presided over the Select Committee introduced part of section 9 of the Patta Regulation in section 19 of the Bill of 1898 as modified by the Select Committee. Therefore, where is anything new that has been advanced here? All this has been put forward from that date until now, not by me or my ancestors,

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not by Indians, but by those honourable Englishmen who were in charge of the Government and in charge of the Revenue Board here.

"Then Sir, there are various other points. Let me refer to item (20) on page 704. It says:

'(20) That the present Bill (1898 Bill) which has been under contemplation of the Government for the last twelve years and which in strict justice should have been passed one hundred years ago . . .'

"That was the position of the Hon. Mr. Crole even then. He continues:

'and whose chief object is (1) to give reasonable facilities to the zamindar in the collection of his dues, and (2) to give reasonable security to the tenant, in the enjoyment of his soil, is the legitimate natural outcome of all the antecedent circumstances.'

"At the same page you will see item 22 which says:

'(22) That the present Bill is nothing more than an absolutely necessary enactment which in the ordinary state of things should have been passed one hundred years ago, if the Government were then in possession of the complete information on the question of tenancy.'

"Item 23 says:

'(23) And that it is never too late to mend, with any man, and more so with Government whose duty is always to protect the weaker from the oppression of the stronger, and who if they committed an oversight in 1802 in not clearly defining the status and the rights of the zamindari tenants might rectify it in 1898 by passing a fresh enactment like the one now before the Council. This is the substance of the Hon. Mr. Crole's speech if I understand it aright, and so far the Hon. Member has done his duty as the Member in charge of the Bill and he has apparently shown strong justification for the present legislation.'

"I have submitted already what the Hon. Mr. Forbes has stated. His points with regard to enhancement of rents, are not accepted by this Committee *en bloc*. But we have traced the facts to show that the principle has been recognized always by the Government and by the Revenue Board. There is nothing new in the recommendations made by us. We have laid stress on the provisions of the Bill of 1898; we have stated in our recommendations that if at least the Bill as introduced and as modified by the Select Committee in 1898 had been accepted and passed, rents would have been settled permanently and unalterably and during the last forty years the incurrence of the debt which the unfortunate ryots have been compelled to incur, would have been avoided.

"This is how I have presented my case. In reply to that, Sir, after you fixed the date for the consideration of the report in this House, the landholders' side has prepared another memorandum, they passed a resolution and they have sent it to me, and I take it, to so many others. The only new point which they have touched upon is at page 14 of their memorandum, which refers to the Bill of 1898. I thank the Landholders' Association and hon. Members who sent this memorandum to me. There is this passage at page 14 referring to the Bill of 1898:

'It is therefore impossible to follow the authors of the majority report in their statement that the provisions of the Madras Tenancy Bill

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of 1898 were more beneficial to the ryots than the provisions of the Madras Estates Land Act. It is rather curious that while so stating, they should have deleted in their draft Bill, the actual provisions of the Madras Tenancy Bill of 1898 in so far as they relate to the regulation of rent and they have substituted for them provisions for which there is no basis in the Bill.'

"We had removed certain provisions and substituted in their place the result of our new findings there. We have adopted the provisions as framed by the Hon. Mr. Crole and his associates in 1898, in the draft Bill that we have presented to the House. We have stated in the margin of our draft Bill, which clauses have been taken from the Madras Tenancy Bill of 1898. It is only in some places where our findings do not agree with theirs, that we have removed some clauses and introduced other clauses. We have embodied our recommendations and presented a draft Bill along with our report—the Madras Estates Land Revenue Bill. The Bill forms part of the report; we thought we might put our recommendations in the shape of a Bill also. It is not a Bill drafted originally by us; we have incorporated in our Bill so many provisions, so many chapters from the old Bill; if those provisions had been passed into law before, the unfortunate ryots would have been saved much of their litigation.

"I was referring, Sir, to the supplemental memorandum which the Landholders' Association sent to me. What they have stated—I have quoted it—is not correct. I have read to hon. Members of this House sub-clause 2 of clause 16 of the Bill of 1898 as amended by the Select Committee. There they reproduce the first part of clause 9 of the Patta Regulation bodily; this provision did not appear in the Bill as introduced. The Landholders' Association says here:

'The landholders have not the slightest objection to the provisions of the Madras Tenancy Bill of 1898 being substituted for the Madras Estates Land Act of 1908, if it is considered that the position of the ryots would thereby be improved.'

"Certainly the position of the ryots would have improved if that Bill had been passed into law then. Most of the provisions of the Bill—various headings and chapters—have been taken by us and incorporated in our Bill. Some chapters we have adopted wholesale. Here comes the statement of the landholders. 'They have not the slightest objection to the provisions of the Madras Tenancy Bill. . . . I do not know whether they have seen clause 16, sub-clause (2) of that Bill as modified by the Select Committee. It says, in case of dispute, go back to 1801 rate, to the 1210 fasli rate. If the landholders accept that position, half the problem is solved now. So much of controversy in this House is saved by their admission that that Bill might be adopted in the place of the Madras Estates Land Act. I do not know if there is an offer now, and if so, we will accept it. Sir, I have placed these facts before you, in order to show that this has been a live issue before the landholders, before the whole country and before

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the Government from then until now; partially it is admitted in this memorandum of the Landholders Association, that we can go back to the rates of 1801, if there is a dispute in that matter. . . ."

MR. SPEAKER:—"Has the memorandum been submitted to the Hon. Minister as Chairman of the Parliamentary Committee?"

* THE HON. SRI T. PRAKASAM:—"The covering letter is addressed to me as Minister."

MR. SPEAKER:—"Is a copy available to each member of the House? It is not right that reference should be made to a memorandum submitted to the Minister for Revenue; the Chair has not got a copy of the same and hon. Members of the House probably have not got copies."

* THE HON. SRI T. PRAKASAM:—"May I pass on this copy to you, Sir?"

MR. SPEAKER:—"If copies are available, they may be given to hon. Members. This is a very important matter on which the Hon. Minister is expatiating; the House is not in possession of the document."

* THE HON. SRI T. PRAKASAM:—"It is a published document; it was sent to my office, even before it reached me; it must be in the hands of many."

MR. SPEAKER:—"Evidently, the Hon. Minister is on the draft Bill."

* THE HON. SRI T. PRAKASAM:—"Yes, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Is the Bill also introduced?"

MR. SPEAKER:—"It is part of the report; it is not introduced; formally the Bill is presented along with the report, on the basis of the recommendations."

* THE HON. SRI T. PRAKASAM:—"To some hon. Members it is perhaps a strange thing that a Bill is presented along with the report. It is a draft Bill not prepared by the Government and not presented or introduced by the Government, as it is clear from the fact that the Bill forms the last part of the report; on the last page of it, all the Members of the Committee have signed. It appears in the shape of a Bill, in the form of clauses of a Bill; the Bill embodies the recommendations."

SRI G. KRISHNA RAO:—"On a point of information, Sir. May I ask, if the Bill that is appended to this report, should be taken up with the report?"

MR. SPEAKER:—"It is part of the report. At page 265 of the report, it is stated that, on the basis of our recommendations, we present here the draft Bill."

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SRI G. KRISHNA RAO:—"We are considering the report to-day."

MR. SPEAKER:—"The draft Bill is part of the report."

SRI G. KRISHNA RAO:—"It can form part of the report. Does it come under consideration now?"

MR. SPEAKER:—"Yes, certainly."

* THE HON. SRI T. PRAKASAM:—"A curious question has been put by the hon. Member, Sri Krishna Rao. I have stated already that the Bill is an integral part of the report. After dealing with the subject referred to them, chapter after chapter, the Committee have given their specific recommendations and have embodied their recommendations in the shape of a Bill which forms part of the report. That it is not a Bill that is presented by the Government, is very clear from the fact that it forms part of the report and we are considering the report to-day."

MR. SPEAKER:—"The draft Bill is evidently submitted as part of the report, in accordance with the instructions given to the Select Committee to enquire into the matter and to report on any legislation that may be considered desirable in connexion therewith."

* THE HON. SRI T. PRAKASAM:—"It was in pursuance of the reference and also in pursuance, I believe, of what was done by certain Committees when they were charged with similar responsibility of making a report on a matter like this. And I considered it, and the Committee considered it, proper. At the very outset, some of the Members of the Committee said that it would be better to put these things in the form of a Bill; they said so long before the date of our signing this Bill."

SRI G. KRISHNA RAO:—"On a point of information, Sir. May I ask if the suggested legislation might be a Bill? It must be a suggestion; that is all."

MR. SPEAKER:—"The Committee was called upon to 'enquire and report on the conditions prevailing . . . and any legislation that may be considered desirable in connexion therewith.'"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Suggest legislation."

MR. SPEAKER:—"I shall read for the benefit of the House the resolution of this House:

'That this Assembly do proceed to elect six of its members, who with three more members elected from the Legislative Council, shall constitute a committee to enquire and report on the conditions prevailing in zamindari and other proprietary areas and any legislation that may be considered desirable in connexion therewith, etc.'

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“ There is no suggestion here. The Committee was called upon by this House to ‘ report on any legislation that may be considered desirable in connexion therewith.’ ”

SRI G. KRISHNA RAO:—“ It cannot be a Bill; how can it be a Bill, Sir? ”

MR. SPEAKER:—“ This House called upon the Committee, or instructed the Committee to ‘ report on any legislation that may be considered desirable in connexion therewith.’ And the Committee carried out the terms of reference given to them by presenting a draft Bill along with their report. The Hon. Mr. Prakasam will now continue his speech.”

* THE HON. SRI T. PRAKASAM:—“ I referred to this Bill not as a Bill introduced, but I referred to this Bill as forming part of this Report, in view of the question raised by some of the hon. Members, just to enable them to understand what has been done by this Committee when they signed this Report. At page 275 of the Report, we have tried to give some of the lines on which the preamble was framed, and the statement also contains all the incidents from the time of the Permanent Settlement Regulations up to now. The Bill itself begins at page 279. No one need be anxious that this is the Bill which is going to be adopted by the Government.”

MR. SPEAKER:—“ But the House may adopt this Bill in spite of the Government. It is a Bill presented by a Committee of this House, and Bills may originate by directions of the House as well, irrespective of the Government.”

* THE HON. SRI T. PRAKASAM:—“ I just wanted to draw attention to it, but I have been called upon by my friend here to close up this business and not prolong it further. I will just briefly explain the position. If we turn to page 294 of the Report, on the right hand margin, we will find the marginal reference ‘ M.T.B.; ’ each section there has been taken from the Madras Tenancy Bill and the section of that Bill is also given there. We will find the same thing in regard to the sections at pages 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316 and so on. All of these provisions, a substantial part of them, have been taken from the Madras Tenancy Bill, because they were so well drafted, so carefully drafted, that we thought their substance was really good and was suited to the conditions not only of forty years ago, but even to the conditions to-day—suited better in fact in the matter of jurisdiction of Courts, the way in which the ryots should apply for relief whenever they had to approach officers, etc. All these things had been approached from a practical standpoint in those days by those gentlemen who were in charge of this legislation at

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that time. We have adopted all those provisions practically bodily. As I stated, in Chapters II and V, we have embodied all our findings by introducing new sections. We have added some new sections with regard to courts and jurisdiction.

“ What is it that we have embodied in this draft Bill that we have presented? Not all of them are our own. There is a significance in presenting this draft Bill to the hon. Members of this House. Most of the provisions of this Bill have been taken from a Bill drafted, not by me nor even by any of us here, not in the last decade or in the previous decade, but exactly forty years ago; a Bill prepared by eminent men who stood firm in their views. Although they were foreigners in charge of Government here, they took a firm stand in order to protect the helpless ryots. And for that reason, we have taken a substantial part of that Bill with a view to show how matters have been done in this country of ours in respect of this matter, some forty years ago.

“ As regards new things that we have embodied, we have included a declaration that the ryot is the owner of the soil—not merely occupancy right. That declaration has not been made in any previous legislation in so many words, although Mr. Crole, Mr. Forbes and all others have referred to it in every document and declared that the ryots were the owners of the soil. We have gone back to the period before the Permanent Settlement; we have quoted the system of Government that prevailed then; we have quoted the condition of the village communities which maintained a corporate body in those days to manage their affairs as one joint patta, collecting their own rents, through their own representative, paying the revenue to the Government. In Chapter I we have traced the whole of this position and have arrived at the conclusion that the ryots were the owners of the soil—not merely owners of the super soil but owners of the sub-soil as well, as against the landholders and as against the Government, in the same manner as in the ryotwari areas under the Government the ryotwari ryot is the owner of the soil, not only the super soil but also the sub-soil, he is the owner also of the mines there, subject of course to the mining laws. No doubt he cannot carry on mining operations without conforming to the laws framed by the Government in that behalf; he will have to notify the Government first and then start the business, subject to the condition of paying royalty to the Government, as fixed by the Government. In the same way here, we have come to the conclusion that the ryot in the zamindari area was the owner of the soil, long before the landholders came into existence, long before the British Government came into existence, long before the Mussalman Government came into existence, and long before even the Hindu Government came into existence. They have been and they are the owners of

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the soil, and we have recommended in our report—which you may reject as untouchable, if you like, ultimately after hearing everything and after hearing those on the other side when they come to speak on the various amendments that have been given notice of—that the ryot is the owner of the soil. Those who hold the opposite view may meet our points and explain. The relationship of the landholder with the Government was created by exchange of sanads and kahuliyats. There they have been asked to collect certain things; you cannot find a single word in those sanads that they were given rights over the mines under the soil. If so, how they get the right of the soil, I cannot understand. Well, it would be a shocking thing for the zamindars perhaps who have become the rulers of the soil and the lords of the soil, as well as everything above and below (laughter)—it may be shocking to them to hear that we have found out the truth, we have placed the material before the hon. Members of this House. We have placed this material before this House, in order to enable the hon. Members to decide the matter about the ownership of the soil. We have made that recommendation and have embodied it in the form of a section in the draft Bill. The complaint of the Landholders' Association is that we have removed something and have introduced some new things. Yes, we have removed some things wherever they were incorrect and we have introduced some things wherever, according to our findings, we believe they are true.

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m. “Then again, Sir, what is the right of the landholder with regard to forest and with regard to irrigation sources? All these things depend upon the ownership of the soil. If the ownership of the soil is in the landholder, certainly he is entitled to deal with the ryots as he likes and he is entitled to mete the treatment which he has been meting to these unfortunate men who have been prevented from getting grass from the forests for their cattle, from gathering dry fuel for their cooking purposes. Their own land, their own property for some reason or other—or on account of the change of Government—has been usurped by others. The British Government did not usurp any such jurisdiction of the ryot over the land. With regard to forests, what has the British Government done—mark that. You have got the Forest Act of 1882, I believe. In that Forest Act, if you examine the provisions, you will find, from beginning to end, nowhere have the Government become proprietors, and they could not convert the land as they pleased, ignoring the ryots. The British Government stated that the land belonged to the ryots and again, if they wanted to take the land for forest purposes, a certain procedure had to be observed. A proclamation or a notification was issued calling upon people who claim their rights to come and place their case within a specific period and after the claims were received, they were examined, the parties concerned were given compensation and then

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the land was taken over and converted into forest land. That was what the British Government was doing under the Forest Act.

“Now, let us see what has been done by the zamindars until now with regard to these forests. There has been considerable trouble going on from the beginning until now. In fact, these poor tenants are their own men, living there and toiling for them and they are certainly entitled to take the produce in the jungles and forests and live on such produce. But, instead of that, what have you done? You have framed rules by which you keep them out and say that it is your property and if they enter those forests you impose penalties and make their lives miserable. So, Sir, we have made thorough enquiries into the matter and arrived at the conclusion that the forest land also belongs to the ryots. Forests are declared to be public property for certain purposes but we have not recommended that the control of the forests should be left in the hands of the villagers. After all forests are not meant for swallowing, but they are intended for higher purposes. They are intended to give protection and according to the latest scientific researches and pronouncements it is stated that if the forests are in a flourishing state, they will bring in plenty of rain, though unfortunately this year rains have failed everywhere, even in the forests and on the hills. Recently while I was touring in the Coimbatore district, on the one side I saw the Ooty Hills and on the other the Anamalais, the Bhavani river on the one side and the Cauveri on the other and all round there are forests and even in those places, this year rains have completely failed and we are called upon to grant remissions. (Kumararaja Muthiah Chettiyar of Chettinad: ‘How much?’) Whatever it is. I am not saying that it has always failed, but it has failed this year. What we say in regard to these forests is, although ownership is not theirs, those people who live near such forests should have a right to use the produce of those forests, except that the control of the forests should be left in the hands of the Government. That is our recommendation.

“Then, take the case of the irrigation sources. Now, if the ownership of a particular land belongs to a ryot, suppose a river or a channel flows over that land and the tenant makes use of the water of the river or the channel, who is the owner of the water? Is it the property of the landholder who is merely a collection agent or the property of the tenant who is the owner of the soil. We have come to the conclusion that the tenants are the owners of the soil, that they are the owners of the irrigation sources and that they are entitled to the benefit of the water and to enjoy it to the best of their interests. All these recommendations of ours have been embodied in the draft Bill that we have appended to the report. No doubt they are against the interest of the landholders, but those are our findings. You may examine those

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ndings and if you consider that they are based on false data and could not be accepted, you may declare that these conclusions are wrong and if you think that the zamindars are the owners of the soil and everything else, the report may go.

“There is one other thing which I have not yet referred to and that is with regard to the rates of rent and I shall refer to it before I close. I stated, Sir, in the beginning that the rate that was fixed at the time of the Permanent Settlement applied not only to the land that was actually cultivated at the time of the Permanent Settlement when these sanads and kabuliyats were issued, but also to those lands in respect of which pattas and muchilikas were exchanged. Not only the rates of rent on the cultivated area were fixed, but also the rule regarding the rates in respect of waste land that was expected to be brought under cultivation even at a later stage was made at that time and it was stated there, that with regard to waste land that might be brought under cultivation, the rate that might be fixed by the landholder should be lower than the rate for other lands fixed at the time of the Permanent Settlement. That option was given to him, but under no circumstances, should the rate for waste land be fixed higher than the rate for the cultivated land. That was permanent and unalterable. So, the rule applies equally to waste land also, subject to this condition, namely, that in respect of waste land it might be given for a lower rate because the tenant had to spend a lot of labour and money to bring it under cultivation.

“Now, Sir, the only point that is now left is that referred to by my hon. Friend sitting opposite to me. He said, it is all right; now are you going to settle these rates and why are you going back to 1801? I have already explained these things, but he put the question again. Perhaps, I did not make myself clear, or my hon. Friend was not present in his seat when I was explaining that point. It is stated in the report that in the northern districts, money rates have prevailed and have been prevailing for a very long time, even before the Permanent Settlement. Take, for instance, the estate of Vizianagram itself. Years before the Permanent Settlement, money rents were fixed by the then zamindars at Rs. 10 per acre. In those days the Vizianagram estate was not the Vizianagram estate of to-day, but it comprised eleven other districts as mentioned in Part II of the report that we have presented to the House. In the other estates also, you have the money rates prevailing. Most of the men who came from Vizagapatam and East Godavari and who have helped us, told us, ‘No, you cannot find anything which will give you any history of the 1802 rates’—I am talking of even officers. We could not get any help from them, but somehow or other, one of the members of the

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Committee who belonged to that district, was able to get some information and give it to us, which enabled us to get at the bottom of it and as a result of which we have collected certain statistics which contain every detail, extent of land, individual rates prevailing with regard to forest and other lands, etc. You will find that in the southern districts there are what are called poliams and we collected the material in regard to them also. If anything could not be available in the districts, we got them from the Madras Record Office where everything is available. Otherwise, we could not have been able to place all the material in the hands of hon. Members of this House. So, do not go away with any mistaken impression as to how we go back to 1802. I was saying that so far as the northern districts are concerned, those four districts also pay a peshkash of more than half the total amount that you are collecting to-day, i.e., out of 41 lakhs more than 26 lakhs are collected from these four districts alone. I have given you some account of the material that is available with regard to western districts and the southern poliams also. Therefore, it is wrong to suppose that there is no use in going back to 1802. After all it is only 138 years and it is not 500, 1,000 or 2,000 years. Of course so many things have happened during that period in our country, but you have got them all. That is the secret and the greatest virtue of British administration in having preserved all these documents as far as possible.”

Khan Bahadur Mahmud Schamnad Sahib Bahadur interrupted in a low tone.

MR. SPEAKER:—“Let the whole House hear the hon. Member's observation.”

KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—“I wanted to know whether he has reproduced those things in the Report or merely referred to those documents in the Record Office?”

* THE HON. SRI T. PRAKASAM:—“There may be some difficulty in understanding things as we get old. The question is put by the hon. Member whether all those things have been reproduced in these volumes. If he comes into the room where all those records are kept still, because I was really expecting something to happen with regard to the production of original documents, he will find that they will occupy perhaps a good portion of this hall. So, it is not possible to reproduce all those documents in the shape of a volume for the sake of a Report like this. But, we have given enough indication about them and have worked out figures on the basis of those documents. We have used them for conversion rates at the rates prevailing in 1801 and

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such material documents have been printed. But, I have no quarrel with hon. Members in regard to this subject, because it is somewhat dry to the ordinary world. They only know this, that they are called upon to pay revenue and they submit their heads and pay it. But, it is not easy to understand the law and practice in regard to these matters. Anticipating all these things, we took care to point out the method we have adopted with regard to these rates, conversion rates as we call it. We were told also that the rates that we arrived at on a particular basis were not correct, because we created our own conversion rates without any basis. That charge also was made upon us. I may say to hon. Members of this House that we took particular care about it. We were told that particular rates were given in the Maclean's Manual according to certain basis and instead of acting on those well-established data, the Committee seems to have created their own conversion rates. But we pointed out even before such a criticism was made that the rates referred to in the District Manuals either by Mr. Maclean or others were not the real rates. They seem to have arrived at the rate irrespective of the survey. We have taken into account the rates on the basis of the triangular survey under the Board's Standing Orders. So, we have not made any secret of these things and we have referred to the relevant material from which we gathered the information. It is therefore a matter for the House to accept the principles involved in our recommendations. It is an obligatory measure that has been recommended by this Committee now.

6-30 p.m. "To add to it a special commission should be appointed to work out all these things. Wherever money rates prevail, the special commission would have no difficulty in settling the matter. Some questions had been raised. How do you know this is so? Supposing you cannot find anything pertaining to this in any particular village, what would you do? But, Sir, I say, 'There is no difficulty even if things are as stated.' The peshkash had been fixed permanently and half of it had been fixed as the remuneration for the maintenance of the landholder; that one-third that is allowed to the landholder is to be distributed throughout that particular village. If there is nothing in that area to guide us in the matter of enabling us to fix the rate, we shall apply the ordinary principles of classification. The special officer will take the lands under cultivation and classify the lands according to tarams and then the rate will be settled. In some cases, the rate of land assessment in the neighbouring Government land will be the basis for arriving at the rate. Then we have what are called the Havelly estates, estates which were carved out of Crown lands. In these estates, Government rates were prevailing before they were put to auction and were purchased by the proprietors after

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which they were given the sanads. Government rate, the rate prevailing just before the sale of the estates will be the rate that will be applied to such estates. Again there are Poliams in the south and what I have said with reference to the estates of the north holds good in respect of these estates. Wherever accounts could be found, the rates are there ready-made and such rates will be applied. We have given five alternative methods of arriving at the rates of assessment in the year preceding the Permanent Settlement. If one were to study all the proposals mentioned in the report with a detached mind, they would not say that it is impossible to ascertain the assessment then existing. If people should say that it is impossible to go back to 1802 and fix the rates, one should be shocked to hear it especially when we have got so much material before us, even in our own Record office here.

"I am very sorry that I have taken much time; but I thought that I would be failing in my duty if I did not deal with it at such length because it is a report which has created so much sensation—I should say unnecessary sensation—in the minds of certain people, and some people believe, before they have studied anything about it, that this is a new thing invented by a Congressman who became Minister to-day and who is an extremist of extremists and that is why he has introduced it. In order to remove that false impression in the minds of friends both inside the House and outside also and to make them understand that this is simply barest justice that is sought to be done to the tenants I had to deal with it in detail. We claim nothing more than this. What is claimed is 'Let it be declared that the Permanent Settlement made in 1802 and succeeding years—the Permanent Settlement was not confined to one particular year; it went on for a number of years even after 1802—was an honest Permanent Settlement intended for the benefit of all the parties and not only for the benefit of one party and that party has been enjoying the benefit of it by paying the peshkash permanently without adding one rupee to it all those years. The other party has been made to shell out when they had no money to pay and they had to borrow and walk out. In another ten or twenty years, we do not know what will happen to the agriculturists if their present condition is to continue. Therefore, it is that we are presenting this report and therefore, it is that I have taken so much time of the House with a view to enable hon. Members to understand that what is demanded to-day is that the Permanent Settlement should not be a partial settlement. We say, 'Let it not be a partial settlement; if part of it is enforced as a Permanent Settlement with regard to one party and if the other is to be left out, it will not be an impartial Permanent Settlement.' No Government, no legislature, and no individual will say that what was declared to be a Permanent Settlement then should be a

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Permanent Settlement only with regard to one party and the other party should suffer. No body will say so and that is what we are demanding now.

"It only remains for me to say one final word to hon. Members through you, Sir, as I said in the beginning when I started the discussion. There is no communistic colour in this; there is no socialistic colour in this; there is no Congress colour in this and there is not even a political colour in this even from the point of view of those that constitute the Government. What is required is bare justice, and that is what is demanded of every one of the members of the House who represent not only the rich but also the poor and these are the people that are not even able to voice their grievances to you though they give you their votes. Their powerlessness to express their grievances is all the more reason why you should do justice to them; and that is what is demanded here. There is no question of sectional feelings here and no sectional feelings should be brought into this matter; no communal feelings should be brought into this matter for it is not as if we are going to help one community at the expense of another. If any body is to benefit, it is those whose case demands the barest of justice. My hon. Friends of the Muslim League should not think that this is a measure; this is a Report and not a measure and justice had been the key-note of the Report. I am appealing to hon. Members of this House to detach themselves entirely and put themselves into the position of those people whose case is placed before them. Do not look at it from a party point of view. If there are millions of people who are suffering, they do not belong to one particular section of the House or the other. They belong to everyone and every community; and it is to the interests of every one of you to see that right is done and justice is done. If right is not there, if justice is not there, reject it and I shall not have the slightest objection." (Loud applause.)

MR. SPEAKER:—"The question is that the Report of the Madras Estates Land Act Enquiry Committee be taken into consideration.

"All the amendments may be taken together on Monday. If anybody wants to speak now generally without reference to amendments of which notice has been received, I have no objection to allow him to speak. We have yet got twenty minutes and if hon. Members can finish before that, they will be allowed to speak."

Sri T. T. Krishnamachariar rose.

SRI G. KRISHNA RAO:—"Mr. Speaker, I would suggest that we take up the further consideration on Monday."

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MR. SPEAKER:—"I thought the hon. Member would reserve his speech to a future occasion. If the hon. Member wants to speak, I will allow him."

SRI T. T. KRISHNAMACHARIAR:—"I think I shall speak now, Sir."

THE ZAMINDAR OF MIRZAPURAM:—"I desire to make a request. I would very much like to place the landlords' point of view before the House. I would only request hon. Members through you that they may reserve their speeches for Monday. I shall be presenting the views of the landholders on Monday and I would be taking more than an hour and a half for that purpose and it will be to the advantage of the House if our point of view is also before them, after they have heard the observations of the hon. the Revenue Minister, some of the points raised in whose speech will also be met by me."

MR. SPEAKER:—"The hon. Member would be given full opportunity and it does not prevent hon. Members making their speeches within 15 minutes that are yet available to us."

THE ZAMINDAR OF MIRZAPURAM:—"I am only requesting you, Sir, if it is possible, to take up the discussion on Monday."

MR. SPEAKER:—"What does Mr. T. T. Krishnamachariar say? Is he very particular about making his speech and finishing it before 7?"

SRI T. T. KRISHNAMACHARIAR:—"I am entirely in your hands."

MR. SPEAKER:—"The hon. Member is not in my hands."

SRI T. T. KRISHNAMACHARIAR:—"If that is the general intention of the House . . ."

MR. SPEAKER:—"If you are anxious to speak, I will allow you. Since the hon. Member makes the request and if you agree to it, there is an end of it; but if you want to speak, I have no objection to allow you to speak."

SRI T. T. KRISHNAMACHARIAR:—"I would like to agree to the request of the hon. Member."

The House then adjourned to meet again at 3 p.m. on Monday, 23rd January 1939.

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

Notification appended to G.O. No. 3016, Development, dated 5th December 1938, confirming certain amendment to rule XXIV of the rules issued under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932).

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APPENDIX.

[Vide answer to starred question No. 647 asked by Sri K. V. R. Swami at the meeting of the Legislative Assembly held on the 21st January 1939, page 355 supra.]

Statement.

A. The places where the District Armed Reserves were used to quell riots or to disperse unlawful assemblies during 1937.

District to which the Armed Reserve belongs.	Place where it was employed.
Vizagapatam	Vizagapatam.
East Godavari	Venavaram.
Guntur	Kottapattam.
Bellary	Alur.
Anantapur	Chintalapalli (on 3 occasions). Guntakal (on 3 occasions). Mushtoor (on 2 occasions).
Cuddapah	Chemalapenta.
Chingleput	Madras (on 2 occasions). Perambur.
North Arcot	Thorappadi.
Tanjore	Kottai Theru. Thirupuravasal. Konoor.
Ramnad—	
Ramnad Reserve	Karaiudi. Thiruppuvanam (on 2 occasions). Eluvankottai. Kandadevi.
Sivakasi Reserve	Abiramam. Sivakasi (on 2 occasions). Srivilliputtur. Virudunagar. Kalloorani. Kilkudi. Narikudi.
Tinnevely	Seidunganallur.
Coimbatore	Coimbatore.
Malabar	Tirur. Cannanore. Calicut.

B. The places where the District Armed Reserves were detailed for bandobast duty to prevent anticipated disturbances during 1937.

District to which the Armed Reserve belongs.	Place where it was used.
1 Vizagapatam	Yellamanchili.
2 East Godavari	Ghollangi. Cocanada (on 3 occasions). Draksharama. Tuni. Ramachandrapur. Pithapur. Allavaram. Jaggampet. Amalapuram. Antharvedi. Kotipalli. Bhadrachalam. Amalapuram.

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B. The places where the District Armed Reserves were detailed for bandobast duty to prevent anticipated disturbances during 1937—cont.

District to which the Armed Reserve belongs.	Place where it was used.
3 Kistna	Bezavada (on 5 occasions). Gudivada (on 4 occasions). Bandar, Ingudur (on 2 occasions). Nuzvid. Sivaganga. Kaza.
4 Guntur	Kottapakonda. Repalle. Tenali (on 5 occasions). Bapatla. Chirala. Narasaraopet. Sattenapalle. Mangalagiri. Bhattiprolu. Kothapatam. Kondavid. Kolakalur.
6 Nellore	Kanigiri (on 2 occasions). Nellore town (on 4 occasions). Kandukur. Udayagiri. Anamasamudrampet. Venkatachellam. Venkatagiri (on 4 occasions). Kavali. Salurpet. Peddareddipalli.
6 Kurnool	Sreesailam (on 2 occasions). Nandyal (on 2 occasions). Gudur (on 2 occasions). Chagalamari. Tarthur. Atmakur (on 5 occasions). Ahobilam. Parumanchala. Pagidyala. Pattikonda. Bethamcherla. Thollanadugu. Maddikera. Polukal. Devanakonda. Kothavaram. Giddalur.
7 Bellary	Mylar. Karuvathi. Adoni (on 4 occasions). Hampi. Bellary. Kampli (on 2 occasions). Hospet. Alur (on 3 occasions). Siruguppa. Harpanahalli.
8 Anantapur	Anantapur (on 2 occasions). Kadiri (on 2 occasions). Gooty (on 2 occasions). Proddatur (on 2 occasions). Jammalamadugu (on 3 occasions). Tangatur (on 2 occasions). Rajampet. Pulivendla. Ravachoti (on 2 occasions).
9 Cuddapah	

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B. The places where the District Armed Reserves were detailed for bandobast duty to prevent anticipated disturbances during 1937—*cont.*

District to which the Armed Reserve belongs.	Place where it was used.
9 Cuddapah— <i>cont.</i>	Muddanur. Badvel. Yerranguntla. Kasanur. Nemilladinai.
10 Chingleput	Conjeevaram (10 days).
11 North Arcot	Tiruppattur (on 2 occasions). Tiruvannamalai (on 2 occasions). Gudiyattam. Vaniyambadi (on 4 occasions). Chetput. Tiruttani.
12 South Arcot	Porto Novo. Kallakurchi. Elavanasur. Tirukkoyilur. Vridhachalam. Toludar.
13 Tanjore	Ettugudi. Veerasingampot. Nogapatam.
14 Madura	Palni (on 2 occasions). Alagar Kovil. Tiruppurankundram (on 2 occasions). Dindigul. Uttamapalaiyam. Madura town (on 2 occasions). Periyakulam. Natham. Veorapandi. Tirumangalam. Melur. Palamedu. Vadipatti. Batlagundu. Kodai Road. Sempatti. Ayyampalaiyam. Authoor. Uppukottai. Kallupatti.
15 Ramnad	Thayamangalam. Virudunagar. Kamudi (on 6 occasions). Erwadi (on 2 occasions). Abiramam (on 3 occasions). Eluvankottai. Kandadevi. Madura town. Elayangudi. Kalloorani (on 5 occasions). Sayalgudi (on 2 occasions). Vilangudi. Kadaladi. Tondi. Madukulattur (on 3 occasions). Aruppukottai.

In March 1937 Reserve parties from the Ramnad Reserve were stationed at Tiruppattur, Karaikudi, Kotaiyur, Kandanur, Puduvalay, Mithravayal and Manakudi in Periyankottai and Mithravayal.

In February 1937 emergency parties of the Sivakasi Reserve were stationed at Sivaganga, Tiruppuvanam, Madagupatti, Manamadura, Sattur, Virudunagar, Sivakasi, Kallal and Rajapalaiyam.

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B. The places where the District Armed Reserves were detailed for bandobast duty to prevent anticipated disturbances during 1937—*cont.*

District to which the Armed Reserve belongs.	Place where it was used.
16 Tinnevely	Tenkasi. Tinnevely town (on 8 occasions). Tinnevely bridge (on 2 occasions). Kalugumalai. Melapalaiyam (on 4 occasions). Nanguneri (on 8 occasions). Eppoduvendram (on 2 occasions). Kadambur. Kalyanallur (on 24 occasions). Veeravanallur. Vilathikulam. Punnakkayal (on 4 occasions). Sankarankoil. Tuticorin. Thisaiyanvillai (on 2 occasions). Ambasamudram. Koilpatti. Tiruchendur. Vasudevanallur. Sivagiri (on 2 occasions). Nazareth. Ottapidaram. Srivaikuntam. Kayalpatnam. Uthumalai. Pudur. Ettayapuram. Alwarthirunagari. Villavilai. Palamecottah. Perungulam (on 2 occasions). Keelapavoor. Kuthangudi. Sivalaperi. Veerakeralampudur (on 5 occasions). Gangaikondan. Vikramasingapuram (on 6 occasions). Chettivayal.
17 Trichinopoly	Salem (on 5 occasions).
18 Salem	Tiruchengode. Kaveripatnam (on 3 occasions). Krishnagiri (on 4 occasions). Denkanikottah. Sendamangalam. Valapadi. Dharmapuri (on 2 occasions). Namakkal. Taramangalam. Rasipur. Mecheri (on 2 occasions). Attayampatti.
19 Coimbatore	Udamalpet (on 2 occasions).
20 Malabar	Eddakat.
21 South Kanara	Udipi. Mangalore. Kalugunda. Moodabidri. Uppinangudy. Puttur. Coondapur. Beltangady.

Note.—The Armed Reserves were very widely used for bandobast duty in connexion with the Legislative Assembly and Council elections, of which details are not included in the above statement.

THE MADRAS LEGISLATIVE ASSEMBLY

Monday, the 23rd January 1939.

The House met in the Assembly Building, Chepauk, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Present stage of the investigation in a case of alleged murder in the Varahur village, Tanjore taluk.

* 652 Q.—SRI V. BHUVARAHAN: Will the Hon. the Prime Minister be pleased to state—

(a) whether a murder was committed in the Varahur village, Tanjore taluk, about 21st August 1938;

(b) whether in the doctor's opinion who conducted the post mortem examination, death was due to beating with sticks and clubs;

(c) whether the villagers of Karuppur sent a mahazar to the Premier and the Inspector-General of Police praying for better and quick investigation; and

(d) at what stage the investigation is at the moment?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) The body of a person belonging to a neighbouring village was found in a paddy field just outside Varahur village, Tanjore taluk, on the morning of the 21st August 1938 and the injuries seen on the body indicated murder.

“(b) The doctor who conducted the post mortem examination was not able to give any definite opinion as to how the fatal injury on the back of the deceased had been caused. His opinion was that the injury might have been caused by a thick stick, by a fall on a granite surface, or by burning.

“(c) A mahazar was sent by the villagers of Karuppur to the Inspector-General of Police asking for a better and quicker investigation.

“(d) The case was referred as undetectable as no reliable evidence could be obtained.”

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Representation of the Ichapur Panchayat Board against the grant of remission to the lessee of Bellupada Fishery for 1937-38.

* 653 Q.—SRI P. SYAMASUNDARA RAO: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Revenue department consulted the Ichapur Panchayat Board before granting remission of Rs. 433 to the lessee of Bellupada Fishery for 1937-38 (Ichapur taluk, Vizagapatam district);

(b) whether Government received any representation from the Panchayat Board protesting against the granting of the remission; and whether the Government would make good the loss of revenue sustained by the panchayat board; and

(c) whether it is a fact that clause (j) of the conditions of the lease bond precludes the lessee from claiming any remission?

THE HON. SRI T. PRAKASAM:—“(a) Local bodies are not entitled to the revenue from fisheries. The Government, however, handed over to local bodies the revenue derived from other than provincialized fisheries. The collection or remission of such revenue is therefore for the Government to decide. The Government therefore did not consult the Ichapur Panchayat Board in this case.

“(b) The answer is in the affirmative to the first part of the clause. In view of the answer to clause (a), the question of compensation does not arise.

“(c) The lessee is not entitled to remission as a matter of right.”

Representation for the re-posting of certain lower division clerks of the Vizagapatam district, on their reversion from Orissa, to Vizagapatam district.

* 654 Q.—SRI S. C. BALAKRISHNAN: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that the Government of Madras posted the lower division clerks belonging to Vizagapatam district, who were reverted from Orissa Province, to distant districts like Cuddapah and Kurnool;

(b) whether there is any proposal to revert them back to Vizagapatam district in the same way as some of the police officials who were first posted to distant districts were later taken back to Vizagapatam;

(c) whether any memorials have been received from the clerks, voicing forth their grievances and praying that they might be sent back to Vizagapatam district; and

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

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THE HON. SRI T. PRAKASAM:—“(a) & (b) The posting of such clerks is arranged by the Board of Revenue and the Government are not aware whether the facts are as suggested in the question. A report has, however, been called for from the Board.

“(c) & (d) A memorial from a clerk posted to the Kurnool district is under consideration.”

Supply of newspapers to ‘A’ class prisoners in jails.

* 655 Q.—SRI B. BHAKTAVATSALU NAYUDU: Will the Hon. the Minister for Law be pleased to state—

(a) what the newspapers that are supplied to the ‘A’ class prisoners in jails are;

(b) whether it is a fact that only some selected papers are supplied to them;

(c) whether it is a fact that Mr. E. V. Ramaswami Periyar, an ‘A’ class prisoner, is not supplied with the *Viduthalai* and the *Sunday Observer*;

(d) if not, why not; and

(e) at whose cost the newspapers are supplied?

THE HON. DR. P. SUBBARAYAN:—“(a) The following are the daily newspapers allowed to ‘A’ class prisoners at their cost:—

English.

- (1) The Times of India.
- (2) The Statesman.
- (3) The Madras Mail.
- (4) The Hindu.

Indian languages.

- (1) Dhinamani (Tamil).
- (2) Swadesamitran (Tamil).
- (3) Mathrubhumi (Malayalam).
- (4) Prabhat (Kannarese).
- (5) Andhra Patrika or Andhra Prabha (Telugu).
- (6) Mushir-i-Deccan (Urdu).

“(b) & (c) The answers to clauses (b) and (c) of the question are in the affirmative.

“(d) The *Viduthalai* and *Sunday Observer* are not on the list of newspapers or periodicals approved by the Government for supply to prisoners.

“(e) The newspapers mentioned in the answer to clause (a) are supplied to ‘A’ and ‘B’ class prisoners at their own cost.”

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SRI V. S. R. M. VALLIAPPA CHETTIYAR:—“Are the Government aware that these two newspapers contain nothing but class hatred and advocate infidelity?”

THE HON. DR. P. SUBBARAYAN:—“I am thankful to the hon. Member for the information.”

SRI V. S. R. M. VALLIAPPA CHETTIYAR:—“May I know what the opinion of the Government is with respect to these two newspapers?”

THE HON. DR. P. SUBBARAYAN:—“I would like to submit that this supplementary question does not arise out of the question put down in the agenda paper.”

SRI A. KARUNAKARA MENON:—“May I know, Sir, whether Mr. E. V. Ramaswami Nayakar has applied to the Government to be supplied with these two newspapers?”

THE HON. DR. P. SUBBARAYAN:—“Government have not received any application of that kind.”

SRI T. S. CHOKKALINGAM:—“May I know, Sir, whether *Viduthalai* and the *Sunday Observer* are being smuggled into the jail for Mr. Ramaswami Periyar's use?”

THE HON. DR. P. SUBBARAYAN:—“I do not think so, Sir.”

Proposals of the Malabar District Board for the closure of all communal schools under its management.

* 656 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state—

(a) what arrangements, if any, have been made and what safeguards, if any, have been provided for Muslim education under local bodies;

(b) whether it is a fact that some local bodies are contemplating the gradual abolition of Muslim and other communal schools under their management;

(c) whether it is a fact that the Malabar District Board has decided to close down schools in which the strength is below a certain figure;

(d) whether any protests have been received from the Muslims of Malabar in respect of the plan adopted by the Malabar District Board;

(e) what action, if any, the Government propose to take for the retention and continuance of Muslim schools under the local bodies; and

(f) whether the Government will consider the desirability of directing the local bodies to consult previously the wishes of the Muslim community in the matter of Muslim schools under their management?

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THE HON. SRI C. J. VARKEY:—“(a) Provision for the education of Muslims is generally made on the lines of the orders in G.O. No. 1371, Education, dated 1st June 1934, which has been placed at the disposal of the Press.

“(b) The Government are not aware of any such intention on the part of local bodies.

“(c) So far as Government are aware, no such general decision has been taken. The question of closing inefficient and uneconomic schools is being examined by the district board.

“(d) Representations have been received on the subject.

“(e) & (f) Do not arise in view of the answer to clause (b).”

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“May I know how many Mappilla schools or schools intended for Muslim pupils have been abolished in Malabar and South Kanara districts on the ground of being ‘inefficient and uneconomic?’”

THE HON. SRI C. J. VARKEY:—“I do not think it arises out of the present question; and even if it arises I would like to have notice.”

H. S. HUSSAIN SAHIB BAHADUR:—“May I know what action has been taken on the representations received?”

THE HON. SRI C. J. VARKEY:—“No action was found necessary as there were no cases of abolition of Muslim schools except the few schools coming under clause (c) on the ground of inefficiency or as being uneconomic.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I know what action has been taken on the representations received from the Muslims of Malabar?”

THE HON. SRI C. J. VARKEY:—“The representations received were regarding the abolition of special Mappilla schools; and the answer to it is contained in the answer I read out just now. I said no such general decision has been arrived at, and that the question of closing inefficient and uneconomic schools is being examined by the district board.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I know whether the Government are seriously considering the advisability of taking away education from the local boards?”

THE HON. SRI C. J. VARKEY:—“It does not arise out of this question.”

SRI E. KANNAN:—“May I know whether Government have excluded Mappilla schools from their programme of getting rid of uneconomic schools in the Presidency?”

THE HON. SRI C. J. VARKEY:—“Not Mappilla schools as such.”

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SRI S. NAGAPPA:—"Will it not be better to have common schools and give preference to minority communities in the matter of admission to them than to have communal schools?"

THE HON. SRI C. J. VARKEY:—"It is a matter of opinion."

SRI S. NAGAPPA:—"Arising out of the answer to clause (b), may I know whether it is the intention of the Government to have communal schools and build communalism, from the very beginning of one's life?"

THE HON. SRI C. J. VARKEY:—"It is not the intention of the Government to do anything like that."

SRI S. NAGAPPA:—"Why are the Government then interested in communal schools?"

THE HON. SRI C. J. VARKEY:—"They have been existing for some special reasons."

SRI S. NAGAPPA:—"In order to avoid this will the Government get rid of these communal schools?"

THE HON. SRI C. J. VARKEY:—"May I know what 'this' refers to?"

SRI S. NAGAPPA:—"I am referring to particular schools for particular communities; and 'this' refers to breeding communalism in schools."

THE HON. SRI C. J. VARKEY:—"May I submit, Sir, even in the case of Muslim schools others are also admitted?"

SRI E. KANNAN:—"Do Government think that the kind of religious education imparted in Muslim schools is of an unobjectionable character to other people?"

THE HON. SRI C. J. VARKEY:—"Government are led to infer so."

SRI D. RAMALINGA REDDIYAR:—"Sir, are labour schools communal schools?"

THE HON. SRI C. J. VARKEY:—"Labour schools are not communal schools."

Measures to relieve Agricultural distress in Sirvel taluk, Kurnool district.

* 657 Q.—DR. M. J. SAMUEL: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government are aware of the widespread failure of crops in a number of villages in Sirvel taluk, Kurnool district;

(b) whether any representations from ryots have been received by the Hon. the Minister for Revenue and the Collector;

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(c) whether the Government are aware of the proceedings of the Sirvel Taluk Ryots' Conference held at Allagadda on 19th December presided over by Sri K. Koti Reddi, M.L.A., and opened by the Hon. Sri B. Gopala Reddi and whether any resolutions were passed at the conference and communicated to the Government and concerned officials requesting the grant of remission wherever there has been loss of crop;

(d) the action taken on the resolutions;

(e) whether any complaints have been received that the local officials have exaggerated the crop outturns in spite of the ryots, protests and under-estimated the extent of distress;

(f) whether the Sub-Collector or the Collector has inspected the villages and if so, whether a copy of the report will be laid on the table; and

(g) what measures the Government propose to take to relieve the distress?

THE HON. SRI T. PRAKASAM:—" (a) The Government are not aware that the facts are as stated.

" (b) Some petitions were received by the Hon. the Minister for Revenue. The Government have no information regarding the representations received by the Collector.

" (c) & (d) A copy of the resolutions said to have been passed at the Sirvel Taluk Ryots' Special Conference was received by the Government. The resolutions have been sent to the Collector of Kurnool for consideration.

" (e) The Government have no reason to believe that the facts are as stated.

" (f) The Government have no information.

" (g) The question will be examined by the Government on receipt of reports from the local officers."

SRI S. NAGAPPA:—"Are not the Government aware that the local officers estimate crop outturn without seeing the fields actually?"

THE HON. SRI T. PRAKASAM:—"The Government are not aware of any such thing; and Government do not believe that such things happen."

SRI S. NAGAPPA:—"May I bring this fact to the notice of the Government that during the last budget discussion under Famine Demand I brought this point to the notice of the Government?"

THE HON. SRI T. PRAKASAM:—"The Government do not remember any such thing."

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DR. M. J. SAMUEL:—“ May I know whether the adangal and other public accounts of the village which are in the custody of the village officers are open to the public for reference, or are they the exclusive property of the Revenue Divisional Officers? ”

THE HON. SRI T. PRAKASAM:—“ If each member of the public is to go and ask for inspection of accounts, that particular officer should go out of office immediately.” (Laughter.)

SRI S. NAGAPPA:—“ Inasmuch as a representation is made now, will the Government inquire into the famine condition in Kurnool district? ”

THE HON. SRI T. PRAKASAM:—“ Yes, it will be done.”

DR. M. J. SAMUEL:—“ Are the Government aware, Sir, that the Ryots' Association and the Congress Committees themselves have been refused this information by the village officers? ”

THE HON. SRI T. PRAKASAM:—“ The Government are not aware.”

SRI G. KRISHNA RAO:—“ Is it not a fact, Sir, that during the Justice party regime, this privilege was given to the ryots, the privilege of going through the accounts and see how many acres have been cultivated, how much the yield is, what the rate of assessment is and so on? ”

THE HON. SRI T. PRAKASAM:—“ Every one who pays is certainly entitled to ask for information and not inspection and the village officer is certainly bound to give information.”

Collection of assessment for dry crops on single-crop wet lands in the South Arcot district.

* 658 Q.—SRI R. VENKATASUBBA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government have passed final orders referred to in starred question No. 6, dated 15th August 1938;

(b) if so, the nature of the orders;

(c) if no orders have been passed, whether the Government will consider the desirability of passing final orders at an early date; and

(d) whether the Government will be pleased to direct collection of assessment for dry crops on single-crop wet lands as in the previous faslis?

THE HON. SRI T. PRAKASAM:—“ (a) to (c) Final orders have not yet been passed. They will be passed soon.

“ (d) The necessary instructions have been issued pending the issue of final orders.”

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SRI R. VENKATASUBBA REDDIYAR:—“ Is that instruction issued to all districts where this system is prevailing? ”

THE HON. SRI T. PRAKASAM:—“ The question is very large. Instructions were issued with reference to what was placed before the Government; if necessary, similar instructions will be issued to other districts.”

UNSTARRED QUESTIONS

Administration of the amount granted from the King's Silver Jubilee Fund for the relief of lepers.

197 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) what the amount collected in this Province for the King's Silver Jubilee Fund is;

(b) what the amount granted out of the above fund to help the leper problem is; and

(c) in what manner the same has been utilized?

A.—(a) Rs. 8,39,735.

(b) Rs. 1,23,451.

(c) A statement^a giving the information is appended.

Irrigation schemes, if any, to be undertaken in the coming years in the Kurnool district.

198 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Public Works be pleased to state—

(a) how many tanks, major and minor, there are in the Kurnool district;

(b) what the amount spent per year is for improving these tanks since 1930 talukwar;

(c) how many of these tanks are abandoned, and why; and

(d) whether there are any proposals before the Government to take up any irrigation schemes in the coming years in the Kurnool district?

A.—(a) There are 40 major tanks in charge of the Public Works department, 372 minor tanks in charge of the Revenue department.

(b) & (c) Statements^b furnishing the information required are laid on the table of the House.

(d) The Duvvaleru project is about to be started.

^a Printed as Appendix I on pages 473-475 infra.

^b Printed as Appendix II on page 476 infra.

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Construction of the Karaikudi-Arantangi railway line.

199 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have asked the South Indian Railway to undertake the construction of the Karaikudi-Arantangi line, offering the necessary guarantees; and

(b) whether the Government have satisfied themselves that the line will be remunerative?

A.—(a) The attention of the hon. Member is invited to the answer to starred question No. 590.

(b) It is doubtful whether the line will be remunerative. That is why the District Board's guarantee is asked for and the Provincial Government have to underwrite it.

User of the public tank in Mela Arasur village, Trichinopoly district, by Harijans.

200 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the public tank in Mela Arasur village, Trichinopoly district, is still not open to the Harijans (depressed classes) in spite of its being a public tank; if so, what steps were taken to secure them their elementary rights;

(b) whether it is a fact that the Collector of Trichinopoly was asked to report on the matter and if so, whether a copy of his report will be placed on the table;

(c) whether it is a fact that the Collector reported that the Harijans could not be helped to enjoy their right because a breach of the peace would result; and

(d) whether the Government will take effective steps at least now to protect the rights of the Harijans and help them to secure their rights?

A.—(a) to (d) The tank referred to is presumably the Periyari in Mela Arasur village, Lalgudi taluk. The Government understand that as the tank is situated in the northern portion of the village which is inhabited by caste people, it is mainly used by them. For the convenience of the Harijans, who live mostly in the southern portion of the village, a public well has been sunk. The Government have recently sanctioned the construction of two bore wells. The tank and the wells will be open to all classes of the public. District authorities have instructions to regulate the manner of their use, should their intervention be found necessary at any time.

The Government do not consider it is in the public interest to place on the table the Collector's report referred to in clause (b) of the question.

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Bore-hole latrines in rural areas.

201 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) when the scheme for bore-hole latrines in rural areas was introduced;

(b) the number of such latrines constructed in each year till now;

(c) whether any contribution was made by Central Government;

(d) if so, how much and when; and

(e) what was done with it?

A.—(a) The scheme of bore-hole latrines was first introduced in this Province in Madura district during the year 1926-27 on the initiation of Dr. J. F. Hendrick, Representative of the Rockefeller Foundation, Madras.

(b) The number of latrines constructed by the local boards in each year is given in the appended statement.*

(c), (d) & (e) In 1935-36, the Government of India made a grant of Rs. 14 lakhs for expenditure on rural reconstruction schemes. Out of this grant, a sum of Rs. 2.65 lakhs was placed at the disposal of the Director of Public Health for expenditure on bore-hole latrines in rural areas. In all, 1,582 public latrines and 4,077 private latrines were constructed. A sum of Rs. 1,05,800 was resumed out of the original allotment of Rs. 2.65 lakhs and distributed to the Collectors on rural population basis for expenditure on approved schemes of rural reconstruction, including the construction of bore-hole latrines. Besides this, other sums were also placed at the disposal of the Collectors amounting in all to Rs. 14 lakhs. No definite information is available as regards the actual amount spent on the construction of bore-hole latrines and the number so constructed.

Punishments for corruption in the Excise department during 1936-37 and 1937-38.

202 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the number of punishments for corruption of officers of the Excise Department belonging to the subordinate services in 1936-37 (Ref. to question No. 581, dated 30th March 1938); and

(b) the number of officers punished for corruption in 1937-38?

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A.—(a) Two sub-inspectors were dismissed from service for corruption in 1936-37.

(b) Information has been called for.

Admission of Harijan pupils in the Elementary Schools in Malabar.

203 Q.—SRI E. KANNAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that every recognized school is required to maintain a visitors' book and if so, for what purpose it is maintained;

(b) the number of elementary schools in Malabar in which Harijans have been at any time refused admission during the last academic year; and

(c) whether the rules of the Educational Code that a school is treated as inaccessible and is liable to lose recognition if scheduled classes pupils are not admitted in the school, are being enforced by the educational authorities in Malabar?

A.—(a) It is presumed that the hon. Member refers to elementary schools. A visitors' book is maintained in every elementary school in order to enable visitors to make remarks on the condition of the school.

(b) The Government have no information.

(c) The answer is in the affirmative.

Proposals for the repeal of the Criminal Tribes Act.

204 Q.—SRI U. MUTHURAMALINGA TEVAR: Will the Hon. the Minister for Law be pleased to state—

(a) the reason why no steps have been as yet taken for the repeal of the Criminal Tribes Act;

(b) whether complaints have been received of the sufferings and hardships caused to those to whom the Act is applicable; and

(c) whether any complaint has been received by the Government of the use made of the Act in Chekkanurani, Tirumangalam taluk, Madura district, against the Kallars; if so, what steps have been taken thereon?

A.—(a) The question of repealing or amending the Criminal Tribes Act, 1924, in its application to the Province of Madras is under examination.

(b) Complaints have been received.

(c) The answer is in the negative.

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

II.—REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE.

MR. SPEAKER:—"The debate upon the Madras Estates Land 3-15 Act Enquiry Committee Report will now be resumed." p.m.

SRI G. KRISHNA RAO:—"May I know, Sir, on a point of information, if we are going to take up the amendments or continue the discussion."

MR. SPEAKER:—"I think it will be a matter of great convenience if all the amendments are moved first formally and then members of the House speak upon all the amendments and the motion, one for and one against, alternately. That will be the proper form, because there are too many amendments and when a member speaks upon a motion once he may not have the chance of speaking upon the other amendments. Therefore, I think it will be very convenient if all the amendments are moved formally by those who wish to move them without making speeches, and then those members as well as other members of the House may speak on the original motion, as well as the amendments. The order of debate will be, one hon. Member of the House will speak for and one against, alternately. That will be a saving of time and that will also give full opportunity for all the members of the House to speak."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I submit, Sir, that all the amendments may be moved formally?"

MR. SPEAKER:—"That is what I said just now. That I think will be very convenient. I suppose if all the hon. Members agree to this procedure, there will be no difficulty. What does the Leader of the House say?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I thought it was your ruling, Sir."

MR. SPEAKER:—"It is not a matter for ruling."

THE HON. SRI C. RAJAGOPALACHARIAR:—"It is quite convenient, Sir."

* SRI KALA VENKATA RAO:—"I move, Sir, that—

'That on such consideration this House recommends to the Government to bring in legislation at an early date on the general basis of the majority recommendations of the Madras Estates Land Act Enquiry Committee.'"

SRI K. CHANDRAMOULI:—"I second it, Sir."

MR. SPEAKER:—"I think, the resolution may be put in a more definite form. On a consideration of this report, why should this Assembly recommend to the Government? It was necessary

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under dyarchy to put resolutions like that. 'This Assembly considers it expedient that the Madras Government should bring in legislation at an early date on the general basis of the majority recommendations of the Madras Estates Land Act Enquiry Committee,' would, I think, be a better form. Why should this House recommend to the Government? The Government is after all the Executive and this motion is made by an autonomous House. (An hon. Member: 'Quite rightly, Sir.') I think the Mover of the amendment may put the amendment in this fashion, if he wants."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I am sorry, I have to intervene, Sir. I think the form is quite right according to our established rules."

MR. SPEAKER:—"No. The rules under dyarchy were quite different. There was a different section. But at present we have an Executive responsible to the House. Why should this House recommend to the Government? This House is at liberty to direct the Government to frame legislation."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"What I wish to submit is this, Sir. A resolution of this House is not a piece of legislation. A resolution of this House must be only in the form of a recommendation to the Government."

MR. SPEAKER:—"Why should it be?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Because, the Government is responsible for the initiation of legislation on land revenue; a legislation of this kind cannot really be carried without the Executive."

MR. SPEAKER:—"But, it does not affect land revenue at all."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"The resolution is that the Government should bring in legislation and there can be only a recommendation, unless the Legislature directly begins to govern, which is not possible. The Executive is to initiate the legislation. And, therefore, the Legislature, unless it is itself the Executive, will have to ask the Executive to introduce legislation and for asking the Executive to introduce legislation, this is the form."

MR. SPEAKER:—"But, why should it recommend, so far as it is known that the House accepts the Report and considers it expedient that such legislation should be introduced?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"For this reason, Sir, because the Government also should consider it, and this is the proper form if the Government should consider the Report."

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MR. SPEAKER:—"But, why should the resolution recommend at all?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Because, it is so in the rules, Sir."

MR. SPEAKER:—"The rules are only that it shall be clearly and precisely expressed and shall raise a definite issue, and that is all."

THE HON. SRI T. PRAKASAM:—"If I may intervene, Sir, I think in the Budget it is in the form of a recommendation, Sir, and I do not think this need be altered."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"There is no doubt about it."

* MR. SPEAKER:—"After all recommendation means almost a direction. It is after all a matter of mere verbal explanation and nothing else. But, I think it would be consistent with the rights of this House to say that the resolutions are definite commands of the House and not mere recommendations to the Executive which is responsible solely and wholly to this House. In view also of the other amendments that are here, probably the Government may not insist on the word 'recommend'."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"In every one of the amendments, I should like to insist on the form, because it is better to be correct in the form."

MR. SPEAKER:—"I do not agree."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I leave it to you, Sir. I think we should follow an established procedure."

MR. SPEAKER:—"I will read out the resolution in the House of Commons upon the Indian Constitutional Reform:—

'That this House accepts the recommendations of the Joint Parliamentary Committee on Indian Constitutional Reform, as the basis for the revision of the Indian Constitution and considers it expedient that a Bill should be introduced on the general lines of the Report.' That is consistent with the dignity and the rights of an autonomous Legislature."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"So, are we not to follow the procedure we have laid down, Sir?"

MR. SPEAKER:—"Well, under dyarchy it was considered that the Crown was different from the Legislature. Formerly the Crown was not an integral part of the Legislature, but, now the Government as represented by the Governor is a part of the Provincial Legislature. That is the fundamental difference between the old Government of India Act and the new Statute. Section 60 of the Act says that—

'There shall for every Province be a Provincial Legislature which shall consist of His Majesty, represented by the Governor and the Chambers,'

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His Majesty is part of the Legislature to-day and not separate as he was previously under dyarchy. This is a fully autonomous Legislature in which the Crown is an integral part of the Legislature as represented by the Governor."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"That does not affect, I submit, Sir, this position, that when the Legislature passes a resolution of this kind, it is a recommendation to the Government."

MR. SPEAKER:—"It is a direction to the Government."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Then, that would be dispensing with the Executive."

MR. SPEAKER:—"Not at all."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"It is bound to dispense with the Executive making the Executive a mere permanent service, which is not their intention."

MR. SPEAKER:—"The general lines of legislation can be suggested by the House and the Executive will consider . . ."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"That is right. The only expression that conveys the meaning accurately is the word 'recommend.' That is the word used in the rules. But when we are dealing with a resolution of condolence, we do not use that word, because there is no act to be done by the Executive in that respect. In the other amendments, that have been given notice of, I submit, if they mean that the Government should consider them, they should be so framed."

MR. SPEAKER:—"The Government should consider them. I am sure that the other amendments will be considered by the Government though they begin with the words 'this Assembly is of opinion.' The fact that the word 'recommend' is used in the rules is because of the legacy of the old rules. It does not mean that the House cannot express its opinion."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I do not think that that is the rule. The distinguishing feature is, a resolution of condolence merely expresses the opinion of the House and it has nothing to do with the activities of the Government and it does not want the Government to do anything. There the House is at perfect liberty to express its opinion. But where a resolution is intended to move the Government to take some step, something should be stated with reference to the Government."

MR. SPEAKER:—"Now, you say that the word 'recommendation' is a much stronger form than the opinion of this House and it will be obligatory upon the Government to consider the

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recommendation and not to consider the opinion. And therefore, you want the word 'recommendation' to be there, so that the Executive might take action on the recommendation."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"What I was saying is not that. What I was saying was that these two things are different, namely, if for instance this House expresses an opinion in which the Executive is not asked to do anything, they can express every opinion. But, if the House passes a motion, whether we call it opinion or resolution, in which it is intended that the Government is to be asked to do something it should be only in the form of a recommendation. Mere opinion is nothing. The word 'recommendation' will be stronger in this respect, in that it asks the Government to consider it, but opinion is not stronger."

MR. SPEAKER:—"Can the Government ignore the recommendation made by the House?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"If there is a recommendation, it cannot be ignored. Therefore it should be a recommendation. There may be mere opinions sometimes, in which Government may not have anything to do, though they may be passed. . ."

MR. SPEAKER:—"Then, formally, hon. Members may move their amendments."

* SRI G. KRISHNA RAO:—"I would like to correct the form of my amendment in the light of the remarks made by the Hon. the Premier. We want to see that the Government understand what this House desires, so that the thing may go home to them and action may be taken."

MR. SPEAKER:—"But, what is the form of the resolution that compels the Government to attend to the subject-matter of the resolution? Is it the word 'recommend' or is it the expression 'expression of opinion'?"

* SRI G. KRISHNA RAO:—"The mere expression of an opinion does not induce the Executive to look at it as an obligatory matter."

MR. SPEAKER:—"So, recommendation is a courteous manner of imposing an obligation upon the Executive. Well, we will now proceed."

* SRI G. KRISHNA RAO:—"May I know, Sir, how you would like the resolution to be worded. . ."

MR. SPEAKER:—"You may move it as 'and on such consideration this House recommends to the Government . . .'"

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3-30 P.M. * SRI G. KRISHNA RAO:—"I move formally the amendment that stands in my name:—

'that on such consideration, this House recommends to the Government, that the Report of the Madras Estates Land Act Committee be referred to a Committee consisting of a Judge of the High Court, who shall be the President, a Member of the Board of Revenue, two representatives of the zamindars (one for the Madras Landholders' Association, and another for the Southern District Landholders' Association), two representatives of the ryots and the Advocate-General, for consideration and report.'"

The amendment was duly seconded.

MR. SPEAKER:—"The hon. Member Mr. Mahboob Ali Baig may move his amendment formally and then he can make his speech in the order in which hon. Members are called."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, I beg to move the amendment that stands in my name:—

'that on such consideration, this House is of opinion—

(a) *that the ryot is the owner of the soil and that his liability is strictly confined to compulsory contribution of a share of his income, to the finances of the State for the purpose of meeting the expenditure, necessary for the governance of the State;*

(b) *that the Permanent Settlement of 1802, is based upon wrong conception of the legal status of the ryot, and opposed to the legal and customary rights enjoyed by him from time immemorial;*

(c) *that the zamindari system, should ultimately be abolished, by payment of compensation to the zamindars and proprietors, for the rights acquired by them from the time of the Permanent Settlement;*

(d) *that, pending such an elimination of the zamindaries and other proprietary estates, by payment of compensation, the settlement of land revenue in the zamindari and other proprietary estates, be made immediately on the basis of ryotwari settlement principles;*

(e) *that in future, there shall be only one class of ryots, whose duty and privilege it should be to make their humble contribution to the coffers of the State, in proportion to their ability to pay;*

and recommends to the Government to bring forward immediate legislation based on the abovesaid principles."

The amendment was duly seconded.

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SRI K. C. SAPTARISHI REDDIYAR:—"I beg to move—
'that on such consideration, this House recommends to the Government that a Conference of the representatives of the zamindars and the tenants may be convened by the Government, with a view to solve the tenancy problem in a just and equitable manner.'"

The amendment was duly seconded.

MR. SPEAKER:—"The hon. Member Mr. Basheer Ahmed may move his amendment. He always comes late to the House.

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"He might not have expected the amendments to come so soon."

MR. SPEAKER:—"Every hon. Member is expected to be present at the time the House meets."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"If there is a chance, he can move it later on."

MR. SPEAKER:—"How can it be done? The whole course of the debate will be affected. What does the Leader of the Opposition say?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, apart from this particular case, I would like to suggest . . ."

MR. SPEAKER:—"No, no; what about this particular case?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Unless you had told the House that all amendments should be moved straightaway, it is a different matter."

MR. SPEAKER:—"Direction has been given and agreed to by the whole House."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"The direction was that amendments should be given. Ordinarily no direction has been given with regard to the manner of moving. What usually happens is one amendment is taken and after speeches are made and it is disposed of, the next amendment is taken up, unless a different arrangement is made that discussion on all amendments should take place simultaneously. It is not that I am not for this arrangement. I entirely agree with you. I do not in any way differ from the view you have taken. Some members might have thought that amendments might be taken one after another and after probably some time when Mr. Basheer Ahmed comes, he may move them. That is all I want to represent to you."

MR. SPEAKER:—"The fourth amendment of Mr. Basheer Ahmed is almost identical with the amendment of Mr. Krishna Rao, and therefore it need not be taken up, on ground of similarity. Therefore, I hold that amendment need not be allowed. Then

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there is the second amendment of Mr. Basheer Ahmed that the estates may be purchased by the Government and compensation may be calculated. That is a party resolution. Any other member may move it. If nobody agrees to move it then it drops. [No member moved the amendment.] No hon. Member of this House agrees to move the amendment and therefore, even if Mr. Basheer Ahmed were to be present, nobody will second it. Therefore, the amendment goes. I suppose the Leader of the Opposition sees the point. Even if he were present, the amendment would have fallen through."

* ABDUL HAMEED KHAN SAHIB BAHADUR:—"The presence of a member may make a good deal of difference. He might arrange with somebody. If he were here, it might be different."

MR. SPEAKER:—"Certainly not. If no member agrees to formally move it, that means he will not second it."

* ABDUL HAMEED KHAN SAHIB BAHADUR:—"He is influential." (Laughter.)

MR. SPEAKER:—"If no member is prepared to move it, whoever will choose to second it? So, both these amendments will fall. Then we have got only four amendments before the House. I will allow, as I have already pointed out, one speech for and one speech against the motion, alternatively. Mr. Kala Venkata Rao supports the motion in a way. Therefore, the important speaker on the side of the Opposition is, I think, the Zamindar of Mirzapuram, who took part in the deliberations of the Committee. If he wants to speak now he may speak."

* SRI G. KRISHNA RAO:—"On a point of information, may I ask if the people who take part on this side are going to take part in the amendment or in the discussion of the main motion?"

MR. SPEAKER:—"The original motion with the amendments, the whole thing, is before the House for discussion. The debate is upon the whole motion as well as the amendments."

* SRI G. KRISHNA RAO:—"How are we to know that we are moving the amendment and that we are discussing the Report? It will be a sort of jumble."

MR. SPEAKER:—"You may speak only upon your amendment and criticize the Report."

* SRI G. KRISHNA RAO:—"With regard to the discussion of the Report, very many points have been raised in the course of the long speech of the Hon. the Revenue Minister. Are we to speak about the amendments or are we to criticize the speech?"

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MR. SPEAKER:—"You can also make a long speech, criticize the observations of the mover of the speech and then say in the light of your criticism it will be proper to make a recommendation to the Government."

* SRI G. KRISHNA RAO:—"I am afraid in all humility that it will be very difficult for us exactly to criticize the points with regard to the amendments in a general speech where various matters have to be dealt with."

MR. SPEAKER:—"After all your speech leads to a particular amendment or to a particular recommendation and you may pass general criticisms and suggest a particular course of action to be taken by the Government."

* SRI G. KRISHNA RAO:—"I am referring to the speech before moving my amendment. I do not ask the Government experts to examine it. But when I move my amendment I will have to tack it on to my speech, make a suggestion, and then close the speech." 3-45 p.m.

MR. SPEAKER:—"You are at perfect liberty."

* SRI G. KRISHNA RAO:—"Suppose I want to oppose some items which have been mentioned in other amendments?"

MR. SPEAKER:—"You can say that you insist on your amendment as the best and say that other amendments are not so good as yours. That is the most convenient method. You are at liberty to deal with all other amendments also. I have taken up this form of procedure; for, suppose you move your amendment first, you would not have the right of a second speech or the opportunity to make observations on the other speeches."

* SRI G. KRISHNA RAO:—"Thank you, Sir."

THE ZAMINDAR OF MIRZAPURAM:—"The House listened with attention and care to the speech of the Hon. the Revenue Minister yesterday justifying the conclusion arrived at by the majority of the Estates Land Act Enquiry Committee. The Hon. the Revenue Minister prefaced his speech by saying that those conclusions were neither revolutionary nor socialistic nor expropriatory, and did no more than undo the injustice done to the ryots for over a century and a quarter, as a result of an incorrect interpretation placed on the scope and effect of the Permanent Settlement during this long period of time. The landholders including myself on the other hand cannot help feeling that the most serious injustice is now being perpetrated against the landholding class, that the conclusions of the majority are not merely grossly unjust and inequitable, but that the arguments advanced in support of the conclusions are far too strained and fallacious, and betray a complete misconception of facts and a total misunderstanding of the true meaning, scope and effect of

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the Permanent Settlement. The result of such conclusions being the basis for any legislation would mean wiping the landholders out of existence.

“ Before I venture to refute the arguments advanced by the Hon. the Revenue Minister and expose the fallacies in them, I wish to say a word or two about the constitution of this Committee that has brought forth this Report and the procedure adopted in the course of the enquiry that it conducted. In the first place there was nowhere any demand or necessity for any enquiry of the kind. But once such an enquiry was embarked upon, it was clear that the nature of the enquiry required a clear comprehension, study and interpretation of a series of regulations and statutes, of the various decisions of law courts on questions relating to land tenures, arising out of the interpretation of the various enactments or otherwise relating to land tenures, and an intimate knowledge of the fiscal laws in the past. It was, therefore, natural, that there should have been a good deal of criticism, that the nature of the enquiry required the constitution of a committee of experts, rather than of laymen or of mere politicians. The worst apprehensions entertained at the time regarding the outcome of this committee of politicians as ultimately constituted, have come to be too true. It is no wonder therefore, that an interpretation is now sought to be placed on the Permanent Settlement, which neither the wisdom of lawyers, nor the experience of legislators, nor the judicial equipment of judges, until now, has been able to discover.

“ And a word requires to be said about the procedure adopted by this Committee. There was no previous list made out of the witnesses to be examined; witnesses were examined as they came in. The witnesses examined were not required to submit any statement regarding what they intended to depose. Until the witness actually stood and spoke, one had no idea as to what matters he was going to speak on. The result was that irrelevant and random statements came to be made by a good many, who used the occasion more to ventilate their feelings of acrimony against the landholders. In regard to the documents produced there were no previous lists drawn out nor copies supplied. Little effort was made to ascertain the truth and relevancy of the documents when they were produced. In the circumstances, the embarrassment caused to the landholders, who had often to meet all of a sudden violent and baseless accusations made by obscure witnesses, wholly outside the scope of the enquiry, was none too little.

“ It is also curious that while the Committee has spent days and days examining witnesses in different centres, the main conclusions of the Report and the elaborate arguments advanced in support of them, are not the result of any such evidence adduced,

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but rest merely on an attempted juristic interpretation of the various regulations and statutes relating to the Permanent Settlement. Did a single witness out of the hundreds that were examined come forward with the case that rents were fixed in perpetuity and that the Permanent Settlement was a tripartite agreement between the Government, the landholders and the ryots? Is there a single memorandum among the thousands of memoranda including those that were admittedly pro-ryot which were submitted to the Committee, that gave the same interpretation to the Permanent Settlement as my erstwhile colleagues on the Committee have given to it?

“ In fairness to the landholders, the majority ought to have made reference to the abundant evidence placed by the landholders before the Committee in support of their point of view and should have made some attempt to answer it. The zamindars adduced evidence which went to show that what was alleged to be enhancement in some places, was no more than increased income arising from extended cultivation and in certain places permanent rise in the price of food stuffs. There was nowhere any case of any landholder taking more than his accustomed share of the produce. There was evidence adduced to show that the existing rates of rent were quite economic, and they demonstrated this by a production of hundreds of lease documents executed by under-tenants in favour of ryots at rates twice or thrice the amount of rent, and by hundreds of sale-deeds relating to lands in zamindari areas, which disclosed the substantial values at which such lands were bought and sold.

AN HON. MEMBER:—“ On a point of order, Sir, may I know whether an hon. Member is entitled to read from a typewritten speech? ”

MR. SPEAKER:—“ He is not entitled, but in view of the importance of this speech and the accuracy that may be necessary on the part of the hon. Gentleman that is making the speech, I have allowed it.”

THE ZAMINDAR OF MIRZAPURAM:—“ Evidence has been placed before the Committee to show that wherever disparity exists between the rates of rent obtaining in zamindari areas and in the neighbouring ryotwari areas, such disparity is not the result of any enhancement of the rates of rent by the zamindar, but the result of the Government altering the basis of its land revenue assessment, by which it reduced its share of half-gross produce to one of half-net produce. No reference is made to all this evidence.

“ At this stage I shall try to meet some of the arguments advanced by the Hon. the Revenue Minister in support of the conclusions of the majority of the Committee. In my minute of

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dissent I have endeavoured to discuss every aspect of the various questions raised in the majority report. The majority report proceeds on certain fundamental misconceptions. I shall first deal with the question of the proprietorship of the soil.

“Proprietorship of the soil.”—The first argument that is advanced in favour of this view is that the early Hindu conception, based on Manu’s dictum, recognized that the proprietorship of the soil vested in the ryot. There is a good deal of controversy as regards the meaning of the dictum itself. Manu himself has referred to the king as the ‘Lord Paramount of the soil.’ Hindu kings were usually called ‘Bhupathy,’ ‘Bhumeeswara,’ ‘Prithvipathi’ meaning ‘Lord of the soil.’ It is doubtful whether when Manu lived, the conception of private ownership of land was at all reached.

“The second argument that has been advanced is that under the Hindu kings, the unit of fiscal Government was the village community; that the State, only claimed a share of the produce, in return for the protection it afforded. If the village community was the unit of Government, and owned the land, that supports the argument that the State was the owner of the soil and not the individual.

“The third and the strongest argument advanced in favour of their view is based on two judicial decisions of the Madras High Court. But assuming that those decisions are still good law, let us consider what was decided in those two decisions. Both were cases in which the landholder attempted to eject the tenants. The decision was that there was a presumption that the tenant had permanent right of occupancy and that it was for the zamindar to make out that he had right to eject the tenants. But a right of occupancy is not the same thing as ‘the proprietorship of the soil.’ Any discussion, as to whether or not the ryot had right of occupancy in the past, is futile, as under the Estates Land Act, rightly or wrongly, the tenant was conferred occupancy rights and no landholder has come forward with the claim that the tenant should now be deprived of the right of occupancy. 4 p.m. Even as regards this right of occupancy, the very judges, Justice Subrahmanya Ayyar and Justice Muttuswami Ayyar, would do no more than draw a presumption in favour of the tenant, thereby implying that there may still be cases where tenants have no right of occupancy. In later decisions of the Privy Council even as regards this presumption, the views of those two learned Judges were not accepted as correct.

“The question as to whether the sovereign or the ryot was the proprietor of the soil, was directly raised in several cases that went up before the Judicial Committee. Some of those cases were

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cases of ejectment of tenants. Others related to the rights in the minerals. Some related to the question, whether when a land was granted by the zamindar in inam, such grant conferred only the melvaram interest, or also the kudivaram interest in the grantee. In all these cases, it was decided in express terms that the ‘proprietorship of the soil’ vested in the zamindars.

“The only way by which the majority report would attempt to get over these conclusive pronouncements is by saying that the judges were all Englishmen, and were led away by the feudal notions of England. When some Englishmen support their own point of view, the majority report would quote it as infallible opinion. The Hon’ble Mr. Crole and the Hon’ble Mr. Forbes are infallible, because their speeches contained something to support the majority report. But, when other Englishmen, even if they are eminent judges with vast experience of Indian law, hold a different view, they must be wrong. But the majority report overlooks the fact that some of these decisions of the Privy Council were not reversing judgments, but only judgments which affirmed the judgments of the courts in India, presided by Indian judges. Besides these pronouncements of the Judicial Committee, some very eminent Indian judges of the Madras High Court have expressed the same view as the Privy Council. I am told that Justice RAMESAM and Justice VENKATASUBBA RAO expressed the same opinion. They are not Englishmen and there can be no danger of their having been led away by English feudal notions.

“It is strange that the Hon. the Revenue Minister should contend that the Permanent Settlement Regulation, which expressly conferred ‘proprietorship of the soil’ on the zamindars, did not confer it on them. You find it expressly stated in the preamble to the Regulation XXV of 1802, and in section 2. You find it in the instructions to Collectors. You find it in some of the other Regulations that were passed at the time.

“If some regard to history is had, it cannot be contended that the zamindars in this Presidency are mere tax-gatherers or farmers of revenue. One has only to refer to the Treaty of 1792 between the East India Company and the Nawab of the Carnatic and the schedule attached thereto, giving a list of the poligars that came under the sway of the Company, to realize that, far from being tax-gatherers, they were independent or quasi-independent chieftains, maintaining troops and exercising various other functions of Government. So far as they were concerned, the Permanent Settlement did no more than, confirm the proprietorship of the soil that had already vested in them.

“No greater proof is required of the landholders’ right of proprietorship than the provisions of the Estates Land Act, as

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introduced by the Hon'ble Mr. Forbes. The provisions recognizing the landholders' right to premium at the time of letting out lands, his right to the minerals, his right to the forests and waste lands, undoubtedly acknowledge his proprietorship of the soil; and it was that infallible Mr. Forbes, that great champion of ryots, that was the author of all those provisions.

"The next serious misconception on which the Report proceeds is that the Permanent Settlement was a tripartite agreement between the zamindar, the Government and the ryot; and that the rents were fixed in perpetuity at the time in the same manner as peshkash came to be fixed.

"*Patta Regulation XXX of 1802.*—In support of this view, the Hon. the Revenue Minister, has laid particular stress, on the Patta Regulation, which was passed on the same day as the Permanent Settlement Regulation. By a careful perusal of the provisions of this Regulation, it can easily be found that the Regulation has nothing to do with the fixing of a permanent revenue or rent. All that the Regulation did was to make rules for the execution of pattas between proprietors, zamindars, or aumils (அமைலர்) on the one hand, and ryots, under-tenants, or under-farmers, on the other. The very title of the Regulation suggests the scope of the enactment. It was 'a regulation, prescribing pattas to be used between the landholder, their under-farmers and ryots.'

"The Permanent Settlement Regulation enjoined on landholders to grant pattas to their tenants setting out the terms on which any land was let. The Patta Regulation prescribed the form of the patta, the period within which the patta had to be delivered, and the procedure to be adopted in default of the patta being so delivered.

"The whole purport of the Regulation is that, whatever the conditions or terms under which a ryot may hold under a zamindar, or an under-tenant may hold under a tenant, or an under-farmer under a farmer, there must be express written agreements and not merely oral and implied agreements. The Regulation nowhere referred to any permanent agreement. In the Permanent Settlement Regulation wherever reference was made to peshkash, the word 'permanent' was used. In the Patta Regulation on the other hand, there is no reference to any permanency.

"If the fixing of a permanent revenue, payable by the ryots, was contemplated under the Patta Regulation, where was the need to provide for the grant of pattas to under-tenants and under-farmers? What has to be paid by an under-tenant to a tenant is in no sense, revenue. The rent payable by an under-farmer to a

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farmer is no revenue. The provisions of the Patta Regulation applied as much to the pattas granted by the landholders to the ryots, as to the pattas the ryots had to give to their under-tenants, and farmers to their under-farmers. Can it be contended, that the Patta Regulation fixed in perpetuity the rents payable by under-tenants to the ryots and the under-farmers to the landholders?

"Section 2 of the Patta Regulation enjoins on landholders and farmers of land to enter into engagement with the inhabitants and cultivators of land 'on the terms on which, they respectively occupy the lands.' What it prescribes is the certainty of the contract, rather than the terms of it.

"Section 4 of the Regulation relates to the various kinds of rent which may be included in the pattas and muchilikas. 'Pattas and muchilikas may be of four kinds. First, for the rent of villages in gross sums of money; secondly, for a division of the produce of the land; thirdly, for lands on which a money rent is assessed; and fourthly, for lands charged with grain rent.' Section 7 prohibits the collection of any new taxes or assessments which are not found in the patta. Section 8 of the Regulation then provides that under-farmers and cultivators shall be given pattas for their lands within six months after the Permanent Settlement.

"Then comes section 9 of the Regulation. It is this section which the Hon. the Revenue Minister and the majority of the Committee seek to use as their trump card. The section reads as follows:—

'When disputes may arise respecting rates of assessment in money or division of the produce in kind, the rates shall be determined according to the rates prevailing in the cultivated lands in the year preceding the assessment of the permanent jumma on such lands.'

"The language of this section was the subject of some controversy in the past.

"In the first place, the section referred only to the terms which had to be included in the patta to be granted on the first occasion, but has no reference to the rents in future. As was stated by me previously the Regulation provided that pattas should be granted to ryots and under-tenants within six months after the Permanent Settlement. If the pattas were not so granted, provision was made to the grant of pattas through the machinery of courts. When courts had to grant pattas on the default of landholders to grant them, necessarily, some guidance had to be given to courts as to the terms which they had to insert in the pattas which were to be granted for the first time. This is brought out in the Instructions to Collectors, paragraph 35 of which says: 'In order that there may be some standard of judgment between these parties, the proprietor or under-farmers will be obliged to enter into specific written agreements or pattas with the ryots and

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under-tenants regarding the rents to be paid, by whatever rule or custom they may be regulated.' There is, however, nothing in the Regulation to suggest that once the terms were included in the patta then granted, the terms can never be varied or enhanced on whatever ground. If the construction of the Hon. the Revenue Minister is sound, and if in fact the Permanent Settlement fixed the tenure and the rates in perpetuity, the strict consequences will be the following: In respect of lands where the cultivator paid the rent by division of produce, this mode of payment cannot be altered; if it was based on the survey of the crop, then the crop-war basis alone must continue for ever; if it was fixed on a fixed quantity of grain, such a system must persist; and if cash rents were in existence, they cannot be altered. Assuming that this basis is correct, suppose a landholder, who, subsequent to the Permanent Settlement, commuted his waram or fixed grain rents into cash rents, wants to revert to the original waram system; is it not right, that he should be permitted to do so, as it was obviously the rate prevailing on the date of the Permanent Settlement? Can a zamindar without a violation of the Permanent Settlement be required to commute his grain rates into those of cash? If the original waram or grain rent, as much as the original cash rent, should remain intact, will it not lead to the result that in the same zamindari, and probably, in the same village, one ryot who may be paying in kind, may be paying very much more than his neighbour paying on the cash-rent basis? If the authors of the Permanent Settlement wished once for all to fix the rents and tenures in perpetuity, is it that they were so void of imagination as not to anticipate this result?

"The whole fallacy in the contentions advanced by the Hon. the Revenue Minister consists in a misunderstanding of the expression 'rates of rent' in the Regulation. One should remember that the rent due to the Government at the time was always regarded as a share of the produce, whether this share was paid in money or in kind. If therefore it is stated that the landholder should never collect anything more than this accustomed share of the produce, the statement may be correct, and no landholder has ever collected or wants to collect anything more than this share. But to say that if the rent was being paid in cash, the landholder should not receive any more in cash, though the value of landholder's share of the produce has increased, is not to understand the distinction between 'rent' and 'rate of rent.' The rate of rent, in the sense that it represents the share of the produce, may remain constant, and yet the rent may vary by reason of the variation in the values of grain. This distinction is brought out in the Instructions to Collectors, paragraph 34, where it is stated that the cultivating ryots have to 'give to the Circar or to the proprietor, whether in money or in kind, the accustomed portion of the produce.'

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"Putting in a nut-shell, the controversy is not whether the zamindar can or cannot arbitrarily enhance the rents, as no zamindar claims a right to such an arbitrary enhancement. The only point in the controversy is whether, when cash rents were prevailing on the date of the Permanent Settlement, the zamindars are entitled to a share in the benefits of a rise in prices of grain, and claim an enhancement on that account and in proportion to the rise in the price level. This very point arose as early as 1863, in a case which came up before Mr. Collett, an experienced Zilla Judge of Vizagapatam. A proprietrix wanted to enhance the rents on the ground that the value of the produce had substantially increased. The contention based on section 9 of the Patta Regulation was strenuously advanced on behalf of the ryots. Mr. Collett, in a lucid and elaborate judgment, discussed this question and ultimately decreed the claim of the proprietrix. The construction placed by him on section 9 of the Patta Regulation was the same as the construction which I have endeavoured to explain to the House as the correct construction and the reasons stated by Mr. Collett were also identical.

"The Hon. the Revenue Minister referred to this judgment and said that it was wrong. But let us see what the facts were and what the reasons given by Mr. Collett were in support of his judgment.

"But special reference requires to be made about one argument, the force of which cannot be minimized. In 1822 a regulation was passed by the Government of the day, Regulation IV of 1822, under which it was declared that none of the Regulations of 1802 was intended to define, infringe or destroy the actual rights of any description of landholders or tenants. The right which the State or its assignee, the zamindar, possessed on the eve of the Permanent Settlement, was a right to a share which was usually a moiety of the produce. If section 9 of the Patta Regulation is to be taken as forbidding proprietors ever after from receiving any more rent for land than that paid for it at the time of the Permanent Settlement, then, it did, most materially, 'define and limit the rights of proprietors.' If, therefore, there was anything in the Patta Regulation that limited the rights of the landholder, Regulation IV of 1822 expressly preserved to him the rights which he possessed on the date of the Permanent Settlement.

"*Criticism of Mr. Collett's judgment.*—The Hon. the Revenue Minister criticized this judgment and said that he interpreted the Patta Regulation in a 'wonderful manner.' Only two reasons were advanced for stating that Mr. Collett's interpretation was wrong. One was, that Mr. Collett was an Englishman. The other was, that the Board of Revenue thought that this Judge was wrong."

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THE HON. SRI T. PRAKASAM:—"On a point of order, Mr. Speaker, I did not say anything about the nationality of Mr. Collett."

THE ZAMINDAR OF MIRZAPURAM:—"A careful and disinterested reading of the judgment of Mr. Collett will be enough to show that his judgment was based on a strict interpretation of the Patta Regulation and the various regulations connected with it, and did not draw any inference on the analogy of the landlord and tenant of England. The Board of Revenue which in B.P. No. 7743 held that Mr. Collett was wrong, did not meet his arguments. As between the opinion of an experienced Judge and the opinion of some revenue officials in a matter pertaining to the interpretation of statutes, the opinion of Mr. Collett was certainly entitled to greater weight."

"But let us examine, what the Board of Revenue itself said, in its criticism of Mr. Collett's judgment. The Board's proceedings are extracted at page 61 of Part I of the Report. I would invite the attention of the hon. Members to paragraph 70 of those proceedings. This is how the paragraph reads:—

'He, however, indicates at the close of his judgment, an inclination to the opinion, that Regulation 30 of 1802, very probably did intend to limit the zamindar's demand, to a fixed share in the crop and to customary fees in money, an opinion, scarcely consistent with the views expressed in the earlier part of the judgment, but one that is nearly in accordance with the Board's views on the subject.'

"This paragraph, far from supporting the arguments of the Hon. the Revenue Minister and his colleagues, lends support to the opposite view, viz., that the landholders' right being a share of the produce, he was entitled to the benefit of a rise in the value of the crop."

"Nor was Collett's, the only judgment on this vital question. About a couple of years after this, the identical question arose on the interpretation of similar provisions in the Bengal Regulations, in the Calcutta High Court. The case was argued before a Full Bench of 15 Judges, in view of the importance of the issue raised. There were Indian Judges as well as English Judges. In the course of this judgment every one of the regulations passed along with the Permanent Settlement was examined. The Full Bench ultimately came to the same conclusion as Mr. Collett. They held that in a suit to enhance rent, the sole ground of enhancement being an increase in the value of the produce, the rent to be paid should bear to the old rate the same proportion as the present value of the produce bears to the old value. There cannot be a more authoritative expression of opinion."

"The Hon. the Revenue Minister then placed reliance on the language of certain conditions attached to the sale of Havelis. He quoted conditions Nos. 18 and 20, which are extracted at paragraph 56 of Part I of the Report."

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"At first blush clause 20 may appear to lend weight to the contention of my friends, that the proprietors of Havelis cannot in any event claim anything more than the rockadayam, that was inserted in the dowe of fasli 1210. But a critical examination of the clauses 18 and 20 will at once clear the misconception. It is clause 18 that really declares the right of the purchasers of Havelis, and such purchasers of Havelis are not considered entitled to a higher rate of waram than that inserted in the dowe of fasli 1210. That clause therefore fixes the maximum of rent, which a purchaser of the Haveli can claim. Clause 20, however, says that all purchasers of lands are entitled to collect rockadayam. It means, that if the purchasers of the Havelis desire to collect their rents in cash from those that were previously making payments in cash, they were entitled to collect the same in cash. It was not open to the ryot to insist on payment in kind instead of in cash. The words 'are entitled to' in clause 20 confer a right, rather than impose a restriction. The words 'are not entitled to' in clause 18, impose a restriction, rather than confer a right. On any future occasion, if the purchasers of Haveli, taking advantage of a rise in the value of grain, insist on division of produce, there is nothing in clause 20 prohibiting them from doing so, so long as they do not transgress the restrictions imposed in clause 18."

"The Hon. the Minister for Revenue referred to the opinions of Lord Cornwallis and Sir John Shore. Lord Cornwallis stated as follows:—

'The rents of an estate can be raised by inducing the ryots to cultivate the more valuable articles of produce and to clear the extensive tracts of waste land.'

"Two methods of enhancement were expressly contemplated: one by extended cultivation, and the other by increased value of the produce."

"If, as contended by the Hon. the Revenue Minister, the rents were fixed in perpetuity for each unit of land, irrespective of any enhancement due to rise in the value of produce, how was the zamindars' income capable of augmentation as a result of more valuable articles of produce being cultivated by the ryots?"

"Reference is made to the opinion of Mr. Hodgson a few years after the Permanent Settlement. He refers to three benefits arising to the zamindars as incidental to the proprietorship granted to them. The first benefit was an extension of the amount of rent by the increase of cultivation; secondly the profit arising out of dealings in grain; and thirdly, the benefits arising out of a change from inferior to superior kind of culture, as a result of mutual understanding, between the cultivators and the

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proprietor. If rents were fixed in perpetuity, how could Mr. Hodgson contemplate any variation of the original rent, as a result of the variation of the prices of grain, and a change from inferior to superior culture?

“The Hon. the Minister asked, ‘If the zamindar should claim the right to enhance rent when prices rose, should not the ryot have the right to claim reduction when prices fell?’ And he said, ‘Yet this was not provided for’. May I appeal to the Hon. the Revenue Minister in reply to this only to go through the provisions of the Madras Estates Land Act once more? May I invite his kind attention to section 38 of the Madras Estates Land Act, which does provide for a reduction of rent, if there is a fall in the price of food crops? May I also remind the Hon. Minister of another piece of legislation which is not more than three years old, by which the scope of this section was further enlarged in favour of the ryot? It is to what has been usually known as the Patnaik’s Act that I refer. While the original section 38 provided for the reduction of rent only when the fall in prices was not due to any temporary cause, the Patnaik’s Act provided for reduction of rents even when there is a temporary fall in prices. Will the Hon. the Minister also take it from me that while in regard to the provisions for enhancement of rent as a result of the rise in prices, the increase is limited to two annas in the rupee, in the provisions for the reduction of rent on the ground of fall in prices, under section 38 there is no such limitation attached. The law as it prevails to-day leans more in favour of the ryot rather than the landlord.

“The Hon. the Revenue Minister said the zamindars were a few individuals as against the millions of people who had become bankrupt, and asked whether the landholders should not be called upon to give up something that they had been enjoying for years. The Minister ignores that though landholders compared to the other people are in a minority, yet they are not a negligible minority. Nor is he right in assuming that this minority in the past has not justified its existence. For over a century, the landholders have been consistently contributing the bulk of their income for the public good. They have been the patrons of education. Take district after district. Count the number of the schools and colleges which they have founded and are maintaining until to-day. Take the number of hospitals which they and their forefathers have founded and are to-day maintained. On every occasion, when there was famine or other calamity, look into those lists which give you the details of the princely contributions that have been made by the landholders. How many institutions providing for food and shelter of the poor and the maimed, owe their existence and upkeep to the now maligned landholders and their ancestors? Is the Hon. the Revenue

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Minister unaware of the large number of Devasthanams and temples and other institutions of worship which owe their preservation and maintenance to these very landholders, who are described as the worst sinners in the land? The landholders in the past have never waited to be asked to give up a portion of their income for the public good. They will never lag behind others in future in their contribution to the public good. But it is somewhat difficult to follow the logic of the Hon. Minister, who says in one breadth that he does, no more than correctly interpret the Permanent Settlement, and in another breadth, pleads that the landholders are only a handful and must therefore make way for the millions.

“And who are those millions that the Hon. Minister has in mind? The proposed legislation is not intended to benefit, nor can it, in the nature of things, benefit, the actual cultivator of the soil. The harassment to which the actual cultivator is put in the hands of the middle class ryot has been amply demonstrated in the voluminous documentation that has been presented to the Committee, in regard to almost every estate from one end of the Presidency to the other. It could not have escaped the notice of the Hon. the Minister and his colleagues that the rates at which the middle class ryot ordinarily let out his land was at least twice what the ryot had to pay to the landlord. Evidence has been adduced that the rate of interest charged by the ryot from the under-tenant was about 24 per cent. Documents have been placed showing other onerous conditions attached to the contract between the under-tenant and the ryot. What has the Hon. Minister done for him? To whom does the benefit of the proposed legislation go? Is not the other middleman that has been rack-renting his under-tenant that is rewarded under this legislation, and not really the helpless under-tenant that is in need of relief? I ask the Hon. Minister whether the Patta Regulation which has been his Bible does or does not regulate the relationship between the ryot and the under-tenant. What justification, I ask, is there in trying to rob Peter the present zamindar and pay Paul the future middleman ryot?

“This betrays that the plain intention and the necessary consequence of the proposed legislation does no more than destroy the great class of landholders, that has been existing and contributing its quota to the public good, while it affords relief to none that deserves it.

“The insinuation has been made that landholders have failed in the discharge of the elementary duties assigned to them by the Permanent Settlement. I dispute the correctness of this insinuation. The landholders have not merely discharged their trust but have in several cases been even generous to a fault,

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If landholders have not discharged their trust, how does it happen that in most estates the extent under cultivation has doubled and trebled? How does it happen that as a result of each census, there has been a steady growth of homesteads and population? Statistics have been furnished showing the number of irrigation works that have been constructed, maintained and improved. Even the Hon. Minister cannot be oblivious to the fact that in most estates, about 10 per cent of their incomes on irrigated area has been actually spent by the landholders on irrigation works. How many dasabhandam grants of extensive areas for the construction and maintenance of irrigation works have not been made? It may be that to-day the zamindars constitute a helpless minority. But that is no reason to forget all that they have done in the past and make accusations against them which have no foundation.

"The Permanent Settlement Regulation.—The Hon. the Revenue Minister read to the House the preamble and the provisions of the Permanent Settlement Regulation XXV of 1802, and wanted to argue on the basis of those provisions that the primary intention of the Permanent Settlement was to end the exploitation of the people by the zamindars and therefore it was that the rents in perpetuity were fixed simultaneously.

"A careful analysis of the preamble of the Permanent Settlement Regulation will disclose the fallacy in the reasoning. The injurious mode of administration of the previous Government, which the British Government was putting an end to, by the regulation was the act of depriving the zamindars of their zamindaris and appointing persons to manage the same directly.

"If the intention was to help the cultivator as against the zamindar, one should have expected some reference to the oppression which the ryots, mirasidars, or cultivators were put to. There is absolutely no reference to their being put to any hardship or any of their lands being taken away by the zamindars. Before the preamble should contemplate a remedy in their favour, there must be a grievance pertaining to them.

"All that the language of the preamble meant was this. To prevent the evils arising out of the Government enhancing indiscriminately the revenue payable by the zamindars, or by taking over zamindaris and placing them in the hands of irresponsible rentiers, and the consequent injury to the public at large, the Government want to effect a permanent settlement which will be found beneficial to every one interested in agriculture and tend to the progress of agriculture, population and wealth. Having granted a permanent property to the landholders in their lands, the Regulation proceeds to fix the assessment of public revenue in respect of such lands. The preamble does not

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refer to the lands belonging to the cultivators or ryots, but as belonging to zamindars and other landholders as 'their lands.' What the Regulation proceeds to do is to fix a moderate assessment to public revenue on such lands, namely, the lands belonging to the zamindars and landholders. What the Regulation fixes is what the zamindars, who were constituted and recognized as the owners of the land, have to pay as public revenue.

"The report of my colleagues and the Hon. the Revenue Minister laid great stress on section 2 of this Regulation.

"The section reads as follows:—

'In conformity to these principles the assessment shall be fixed on all lands, liable to pay revenue to the Government; and in consequence of such assessment, the proprietary right of the soil, shall become vested, in the zamindars or other proprietors of land and in their heirs and lawful successors for ever.'

"The construction that is placed on this section is that the proprietary right in the soil does not vest in the landholder, unless the assessment is made permanent on all lands which are liable to pay revenue to the Government, and that sanads will not be issued to the landholders until the rights vest in them.

"The construction that is placed on this section is that the word 'assessment.' The word 'assessment' referred to in the section has no reference to what the ryot has to pay to the zamindar, but refers only to what the zamindar has to pay to the Government. This can be understood by going through sections 3, 4, 6, 8 and 12 of the Regulation. Section 6 in particular where 4-45 this word is used makes this clear; as that is the section which p.m. provides that if peshkash is not paid, their property will be liable. The only section in Regulation XXV of 1802, that deals with the relationship between the zamindars on the one hand and the ryots on the other, is section 14. We find that the word 'assessment,' which we find in almost every other section, is scrupulously avoided in this section. On the other hand, the word 'rent' is the expression used with reference to the payment which a ryot has to pay to the zamindar.

"The meaning of the clause in section 2 which says 'in consequence of such assessment the proprietary right of the soil shall become vested in the zamindars or other proprietors of the land' is that as a result of the assessment or peshkash payable by the zamindar being fixed, the proprietary right of the soil shall become vested in the zamindar. The consideration for the grant of proprietorship is the permanent peshkash. If, as is contended by my colleagues, section 2 did not refer to the fixing of peshkash, but only the rents payable by the ryots on all the lands, which is the section in the Regulation that provides for the fixing of the peshkash? Section 6 contemplates a permanent assessment which the landholders have to pay and lays down that in default of such

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payment, the properties of the landholders are open to the risk of being sold. What is the permanent assessment that is referred to? And how has it become fixed? There is no other section in the Regulation, except section 2 relating to the fixing of peshkash. Are we to understand that the Permanent Settlement Regulation did not contain any section relating to the fixing of peshkash? If, on the other hand, as contended by my hon. Colleagues, what the Government intended was to lay it as a condition precedent that the zamindars should fix the rents once for all, one could have expected some clause providing for the consequences of the zamindar not fixing the rents due from the ryots. There is no such provision. Nowhere is it stated that if the rents due are not then fixed, the proprietorship of the soil does not vest in the zamindars. It is stated in the Report that the sanad or title-deed was issued to him only after the rents were fixed. I cannot understand on what authority or evidence this statement is based. The passing of the Permanent Settlement Regulations and the granting of the sanads were not simultaneously done in several estates. In regard to the estates like Venkatagiri, Kalahasti, etc., the sanad was granted even before Regulation XXV of 1802 was passed. How did this occur?

"Much reliance is placed again on section 3 of the Regulation which says that in all cases of disputed assessment reference will be had to the sanads and kabuliyats, and judgment will be given by the Courts of Judicature in conformity with the condition contained in them. The assessment that is referred to is the one that has to be clearly detailed in the sanads and the kabuliyats. If we examine the sanads and kabuliyats, the annual assessment that are provided for in them are the assessments which the zamindars have to pay to the Government. No sanad or kabuliyat refers to rents payable by the ryots to the landholder. No sanad or kabuliyat says that the rents payable by the ryots have been fixed in perpetuity, that the tenures have been fixed in perpetuity and that in cases of dispute the landholder can claim no more than the rents fixed in the year previous to the Permanent Settlement.

"Reference is then made to section 14. It merely enjoins on landholders to enter into engagements with ryots in regard to rent and to grant receipts for the payments made by them. It refers to no fixity or permanency of any rents or tenure.

"*Instructions to Collectors.*—Elaborate references have been made to the Instructions to the Collectors, as supporting the contentions of my colleagues. I have dealt with some of these contentions in the course of my dissenting minute. But, I shall at the moment refer to two paragraphs of those instructions, namely paragraphs 14 and 34 which have a bearing on the question of the

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proprietorship of the soil. Paragraph 14 expressly states that though the income from sayer is to be excluded from the assets of the zamindar, the income from orchards, pasture lands and fisheries should be taken into account, as they are in the nature of ground-rent. Is this not an express refutation of the contention put forward, that the zamindar had no right to collect anything by way of grazing fees or fishery rents? Does not the reference to ground-rents acknowledge the ownership of the zamindar to the ground? Paragraph 34 again says in express language that though some tenants may have rights of occupancy, the ryots have no positive property in the soil.

"Reference may also be made to paragraph 18 of the Instructions, on which foundation is laid for the theory that while permanent land-tax was fixed, the Government took two-thirds of the proportion, and the zamindar, one-third of that land-tax. A careful reading of this paragraph will make it abundantly clear that the peshkash was fixed not on that footing. On the other hand, what was done was that about two-thirds of the remaining gross collections of the zamindars, after deducting the amounts derived from sayer or other internal duties, was fixed as the fixed land-tax. So, the land-tax or land revenue was only that which the zamindars stipulated to pay to the Government, but not the entire gross collections themselves. The use of the words 'from gross collections' is also significant for the reason that if really the Permanent Settlement contemplated the peshkash being a proportion of the total land revenue, instead of the word 'collections' the words 'land revenue' would have been most certainly used. Further the word 'collections' is not the same thing as the demand. The last sentence in the paragraph further clarifies that peshkash was no proportion of any land revenue but the land revenue itself.

"*The true nature of the Permanent Settlement.*—The entire nature and scope of the Permanent Settlement, the purpose for which it was made and the status of the various zamindars before and after the Permanent Settlement, have been fully explained by Justice Sankaran Nayar in a leading decision in 37 Madras. Justice Sankaran Nayar is no Englishman and he is not saturated with English notions of land tenures. A careful perusal of the judgment will clear all the misapprehensions that have crept in, and expose the fallacies in the reasoning, which have resulted in a grotesque construction of the obvious provisions of the regulations connected with the Permanent Settlement.

"In short, whatever might have been the status of the zamindar before the Permanent Settlement, under and after the Permanent Settlement the zamindar is the proprietor of the soil, subject to the payment of the peshkash fixed. Some zamindars were the descendants of the ancient chieftains who had full proprietorship

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of the soil long before the Permanent Settlement conferred on them such proprietorship. Wherever the zamindars did not have proprietorship before, the Permanent Settlement conferred it on them.

“ Every zamindar is entitled to collect the customary rent from the ryots and is entitled to deal with waste lands at his discretion. The customary rents to which he is entitled is half the gross produce whether it is paid in money or in kind. It is only when this share of the produce is enhanced that the Government can interfere and prohibit enhancement of the share. But so long as the share is not exceeded any interference will constitute a flagrant violation of the terms of the Permanent Settlement and at any rate cannot be attempted to be done. The evidence adduced at the enquiry has abundantly established that in no case has any landholder transgressed this half-share of the gross produce.

“ *Conversion rates.*—Assuming that cash rents prevailing on the date of the Permanent Settlement cannot be enhanced, how does that lead to the conclusions of the majority report that all rents should be settled according to the price levels of 1802? Which is the rule, in any regulation or law that says that, if at any time, waram or grain rents were intended to be commuted, the price level of 1802 should be taken into account?

“ One can understand commutation on the basis of the existing average prices where the period taken for the purpose of calculation is a period of ten years or twenty years. But it is impossible to comprehend why the prices of 1802, which are admittedly between 30 and 40 per cent of the present prices, should be accepted as the basis for commutation which took place a short while ago or which is to take place hereafter. A landholder can legitimately ask for his portion of the rent in grain or its money equivalent. To say that he should be given not its money equivalent but a third of it or something less is the worst and plainest form of confiscation or expropriation.

“ An equally queer part of the majority report is that which relates to the conversion rates wherein my colleagues point out how the local measures of the Presidency are to be converted into acres and cents. As a result of considerable revenue experience and the examination of records and actual measurements carried out in several localities, the Government for their revenue purposes have arrived at certain conversion rates which they have adopted in their ryotwari settlements and their inam settlements. Those conversion rates are thrown to the winds by my colleagues. No reason is vouchsafed why they are to be rejected. A very peculiar and entirely new calculation is indicated in their report as a result of which, they arrive at this most startling—one may

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say, ridiculous—result, that in most estates there has been no extension of cultivation at all since 1802, whereas in some estates, a not inconsiderable extent has even gone out of cultivation since then. One has only got to state this to show how hopelessly erroneous the reasoning of my colleagues who were responsible for the majority report is in regard to the method which they indicate for calculating conversion rates. If the conversion rates worked out by them are to be accepted, if the rents of 1802 are to be restored, and the hills, forests and waste lands are to be taken away from the zamindars, there would be an extinction of all zamindaris within the twinkling of an eye. It would be impossible for most of them even to pay the peshkash.

“ The Hon. the Revenue Minister referred to the manner in which conversion rates were to be worked out with a view to arrive at the rates prevailing on the date of the Permanent Settlement. I need only refer to one circumstance to demonstrate the utter inaccuracy of the results achieved by such a mode of calculation. The hon. Members of this House may be aware that in 1802 and thereabouts, the rent in the zamindari as well as in the Government areas were on the basis of half the gross produce. At about the time, the Collectors of some districts attempted to introduce fixed cash rents. In the District Manuals of the several districts and in the other official publications are given the cash rents fixed by them. It may interest the hon. Members of the House to know that the rates now prevailing in most estates are far less than the rates so collected in the neighbouring Government tracts in or about 1802. If the conversion rates adopted by the Report are correct, one should expect that the figures arrived at should be similar to the adjacent cash rents in the Government areas in 1802. But the figures arrived at by the Report are far less than the rents in the Government areas in that period. p.m

“ If there is disparity to-day between the rates prevailing in the zamindari areas, it is not because that zamindars enhanced the rates of rent beyond half the share of the produce, but because the Government at a later date deliberately reduced its share of the produce. In about 1858 when the Revenue Settlement department was constituted, Mr. Newill, the first Director, recommended that instead of 50 per cent of the gross produce, 30 per cent of the gross produce may be collected by the Government. In 1864, the Secretary of State fixed the share of the Government as half the net produce and ordered the ryotwari settlement to be conducted on that basis. The Government therefore voluntarily reduced its share. It was open to the Government to do so. It can as well dispense with land revenue and resort to some other method of taxation. But to reduce the rents of the zamindar, on whom obligations have been imposed and who has

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no other means to make good the loss, is entirely another thing. But the fact that even after the original ryotwari settlement, there were at least two or three settlements at which the rates of the original settlements were enhanced, is proof positive that it was never doubted that the landholder could share in the benefit of rise in prices. The enhancements that have been complained of in zamindaris was what exactly the Government has been doing until now, by regulating the rents in accordance with the increased value of the produce on the occasion of each resettlement.

“Economic condition of the ryot on the date of the Permanent Settlement and now.”—So far as the ryot is concerned there are no two opinions that the ryot in 1802 was paying half the gross produce. Let us consider whether the economic condition of the ryot has improved or gone worse subsequent to 1802. His position has considerably improved. In 1802 besides the share of the produce, various other levies, abvaubs and mahouts, were being collected. The ryot no longer pays such levies. The prices have increased by about hundred per cent and more and the ryot has got the benefit of this rise in prices. In 1802 due to want of communications, the ryot did not find a ready market for his produce. To-day, as a result of the railway communication, the ryot has a certain market for his produce. In 1802, the fees of the village officers were payable either exclusively by the ryots or at least a share of them. As a result of Act II of 1894 all rusums and meras have been stopped and the ryot no longer pays anything towards the emoluments of village officers. In most of the estates, cash rents came to be fixed about 30 to 50 years ago. These rents have not been enhanced. Ever since cash rents came to be fixed, the exclusive benefit of the rise in prices has been enjoyed by the ryot and not by the zamindar. Even in a few cases where enhancements were claimed, the Estates Land Act put a limit to such enhancements at two annas in the rupee. The rise in prices was by about 100 per cent. If the landholder wants, he cannot get an enhancement of more than 12½ per cent. In 1802, the ryot could not get easy credit and had to pay high rates of interest for obtaining loans to purchase his bullocks, etc., or his seed grain. The rates of interest in those days were invariably more than 24 per cent and in some cases it was about 100 per cent. To-day various laws have fixed the maximum rate of interest at reasonable rates. The introduction of co-operative societies has afforded the ryot easy facilities for borrowing at very low rates of interest. In 1802, the ryot was helpless and ignorant. To-day there are hundreds of them to protect their interests and powerful political organizations and the ryots' associations are always ready there to bring to light any abuses by the landholders. On the whole, therefore, the economic condition of the ryot has

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considerably improved since the date of the Permanent Settlement and if to-day the condition of the ryot is not what it ought to be, much of this is due to various other causes.

“The Hon. the Revenue Minister stated yesterday that as a result of the Permanent Settlement the zamindar to-day was paying less revenue to the State than any other tax-payer. May I venture to submit that when we examine the question with a little care the statement is far from being accurate? The total gross demand of the zamindars in this Presidency is according to my information roughly about Rs. 2 crores and 50 lakhs. The total amount which they pay to the Government by way of pesh-kash and land-cess is roughly about Rs. 80 lakhs. But the greatest mistake consists in confusing the total demand of these zamindaris as being the actual income which goes into their pockets. For one thing, what is actually collected is generally not the total demand and then the machinery which the landholder has to employ for collecting the rents is about 10 per cent of the gross demand. Apart from this machinery, the expenses of litigation for recovery of rents consume a good portion. The landholder has the obligation to maintain the irrigation works. Evidence was placed before the Committee in regard to the various estates to show that about 10 per cent of the income was spent on maintenance of irrigation works. From this, it will be obvious that what the zamindar contributes as dues to the Government is not less than what any other tax-payer contributes.

“On the other hand, may I most respectfully ask the Hon. the Revenue Minister, what proportion of the revenue derived from the zamindars is spent by the Government on those zamindari areas? How many projects have been conceived for the benefit of those ryots in the zamindari areas from which the Government derive so large a revenue? How many roads have been constructed in return for all the land-cess that is collected in those areas?

“The report of the majority Committee does the gravest injustice to the landholders as a class.

“*Bill of 1898.*—The Hon. the Revenue Minister made reference to the Bill of 1898. He said that what he was doing now, was no more than bodily adopting that Bill. He referred to the latest memorandum of the Madras Landholders' Association and said that the Association has conceded that they had not the slightest objection to the provisions of the Madras Tenancy Bill of 1898 being substituted for the Estates Land Act of 1908.

“What the Association referred to was the Bill of 1898 as introduced and not the one as provisionally amended by the Select Committee. The Hon. Minister could not have misunderstood what the Association meant, as the reference was made to the substance of each clause; clauses 15, 16, 17, 18 to 21, 22 and 24 were referred

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to, being similar to and being more conservative than the Madras Estates Land Act. There was no room for any ambiguity as to what the Association was alluding to. Whether or not the Hon. the Revenue Minister was going to accept their suggestion, may I appeal to him to at least quote them correctly and state their point of view with some regard to accuracy?

"To accept the principle of the Bill of 1898 as introduced is not the same thing as accepting the principle of the Bill of 1898 as provisionally amended. The Bill of 1898 as introduced is printed at page 611 in the volume containing the Appendices to the Report. The Bill of 1898 as provisionally amended by the Select Committee is printed at page 660 of the same volume. According to the original Bill the ryot is one who pays rent to the landholder. According to the Bill as modified the ryot is one who pays revenue. The original Bill says that the obligation of the ryot was to pay a fair and equitable rent and that the rent for the time being payable by a ryot is fair and equitable. Under the modified Bill, the rates to be adopted were the rates of assessment in money or of division in kind prevailing on the cultivated lands in the year preceding the Permanent Settlement. The Bill as introduced provided for enhancement on the ground of rise in prices, as under the Estates Land Act. The Bill as modified provided for no such enhancement. It is therefore obvious that the Bill as introduced in 1898 was fundamentally distinct from the Bill as provisionally modified. The principles of the one were opposed to the principles of the other.

"It is no wonder therefore that the hon. the Raja of Bobbili should have characterized the Bill as modified as revolutionary and expropriatory.

"The Hon. the Revenue Minister quoted Mr. Crole as his scripture. But when we analyse the speech of Mr. Crole, that speech does not support the principle enunciated by the Hon. Minister. It is one thing to say that the Permanent Settlement was a great mistake. But it is quite another thing to say that the Permanent Settlement itself recognized that the proprietorship of the soil vested in the ryot and not the landholder and the tenures and rent were fixed in perpetuity. Mr. Crole said, 'The shadowy, undefined claim of proprietorship of the soil was transferred to him,' meaning the landholder (page 3 of the Addenda to the Appendices to the Report). Whether the right was shadowy or otherwise, the right was *in fact* transferred. In regard to the question of tenures Mr. Crole said, 'The Government of the day did not feel themselves in a position to impart a statutory definition to tenures regarding which there was much diversity of opinion' (see page 2 of the Addenda to the Appendices to the Report). That is not the same thing as saying that the tenures were fixed in perpetuity by the Permanent Settlement.

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"But even in so far as Mr. Crole's speech supports the Hon. the Revenue Minister, the most effective refutation of the arguments of Mr. Crole and modified Tenancy Bill are contained in the speech of the Raja of Bobbili, which is printed at page 703 of the Appendices to the Report. I would in particular invite the attention of the hon. Members of the House to a paragraph in his speech at page 718, which criticism of the Bill of 1898 is in terms applicable to the basis of the legislation proposed to-day:—

'The present enactment will only serve us as a means of robbing Peter and paying Paul. The enactment deprives the zamindars of the full benefit of landed property and gives it to a second class of middle men whose number is painfully on the increase even in Government taluks. If this evil be left unchecked (though as I pointed above it is never practicable to check it, unless things are allowed to remain as they are, leaving matters to the discretion of the owner of an estate), the actual cultivators both in Government and zamindari tracts will go on gradually deteriorating and be ground down under the exactions of the purchasers of pattas which come to sale by thousands, hereafter, and in the long run the condition of the Government and zamindari tenants will truly be *assimilated* (as the Famine Commission recommended), not in the matter of amelioration but deterioration of their condition, while the actual gainers by the new Act will be the new set of middle men to be created by the Act and both the Government and the zamindars shall have to keep helplessly staring at the consequences of a long contemplated scientific blunder. For, as a direct consequence of this Act three things will result: (1) the revenue payable to both Government and zamindars will always be a *constant* quantity; (2) the benefit reaped by the actual cultivating class will be a constantly *diminishing* quantity; (3) while the benefit derived by the new set of middlemen coming into existence, viz., the purchasers of lands at auction, will be a constantly *increasing* quantity.'

"*The Draft Bill to the Majority Report.*—The Hon. the Revenue Minister next referred to the draft Bill which is printed at page 275 of Part I of the Report as the recommendations of the Committee as the basis for legislation. One has only to scan the "objects and reasons" for the draft Bill and to compare it with the Preamble of the Permanent Settlement Regulation XXV of 1802, to discover where the thin end of the wedge is sought to be driven. The Preamble to that Regulation says that the British Government has resolved to remove from its administration a source of uncertainty and disquietude and 'to grant to zamindars and other landholders, their heirs and successors, a permanent property in their land.' In the place of this, what is sought to be substituted is this: 'the British Government had resolved to remove from its administration so fruitful a source of uncertainty and disquietude, to grant to the zamindars and other landholders a permanent *melvaram* right in the land in all time to come, on the one side, and to declare a permanent right to the soil in their land in all time to come to the ryots.' In the name of fairness, in the name of justice, I ask, is this not expropriation? Is this not taking away from the landholders what was given to them expressly by the Permanent Settlement Regulation and giving it to the ryots in express terms?

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"I do not wish to dilate at length about the various provisions of this Bill, but to leave it by simply referring to the last paragraph of its lengthy preamble in which the purport of the Bill is expressed. It states, 'The Government of Madras have resolved to enact this Bill, entitled "the Madras Estates Land Revenue Bill," for declaring the right of the ryot to the soil and the melvaram right of the zamindars and the unalterable character of the land revenue assessment that had been fixed in perpetuity at the time of the Permanent Settlement in or about 1802 as payable to the landholder.'

"If, as I have endeavoured to show and will further endeavour to show, the assessments payable to the landholders by the ryots were not fixed in perpetuity at the time of the Permanent Settlement, and if this draft Bill on which new legislation is foreshadowed should declare that those rates should be deemed to have been fixed in perpetuity, is it not a serious encroachment on the rights of the landholders and a confiscation of their property?

"If judicial interpretation of the highest courts and a series of enactments in the past have during the course of a century and a quarter held one opinion, is it not wonderful to turn round and say that all of them have been hopelessly wrong, and the correct interpretation is that, when the Permanent Settlement said that it did vest and recognize the proprietorship of the soil in the landholder, the meaning is, that it did not so vest or recognize the same, but declared the ryots as the proprietors of the soil.

"*Forest Lands and Waste Lands.*—Not content with the attempt to reduce rents and cripple the resources of landholders, the Hon. the Revenue Minister and the Report would proceed to declare that even forest lands and waste lands belonged to the ryots by virtue of their being the proprietors of the soil. I have only to invite the attention of the hon. Members of the House to paragraph 27 of the Instrument of Instructions issued to Collectors:—

'It is well-known that in the Circars there are very extensive tracts of uncultivated, arable and waste lands, forming part of every zamindari. They are to be given up in perpetuity to the zamindars free of any additional assessment, with such encouragement to every proprietor to improve his estate to the utmost extent of his means, as is held out by the limitations of the public demand, for ever, and the institution of regular courts to support him in all just rights, whether against individuals or officers of Government who may attempt in any respect to encroach on them.'

"Judicial decisions from the earliest times have unequivocally expressed that the landholders are the absolute owners of forests and waste lands.

"In regard to forests and hills, the very questionnaire issued by this Committee does not contemplate the ryots being the absolute owners of the forests. The question raised was, 'What are the rights of tenants with regard to the utilization of local natural

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facilities such as grazing of cattle, collection of green manure or wood for agricultural implements?' It does not contemplate higher rights. The demands made by ryots were to give them the same facilities as are available in the Government areas.

'That on the date of the Permanent Settlement, income from pasturage was one of the sources of revenue, there is clear evidence. Paragraph 14 of the Instrument of Instructions to Collectors shows that income from pasturage was one of the resources of the zamindar. This paragraph reads as follows:—

'This assumption of the sayer is, however, not meant to include the rent derivable by the proprietor for orchards, pasture grounds, or for ware-houses, shops, or other buildings, the same being for the use of the ground, or in other words, ground rent; though these have been sometimes classed under the general denomination of sayer, such rents being properly the private right of the proprietor and in no respect a tax or duty on commodities the exclusive right of Government.'

"In the face of this it is simply astonishing that we should be told that zamindars have no right to collect rents for pasture grounds and forests.

"In the reports of the Circuit Committee who carried on the investigations between 1782 and 1786 they referred to this income in pasture in respect of every zamindari in the Northern Circars. In the Peshkash Commission Reports of various zamindaris the different sources of revenue are enumerated. Take the reports, for example, of Mr. Webb or Mr. Alexander. We find that in almost every zamindari that came under their investigation the sources of revenues of these zamindaris include the income from pasturage which was taken into account as part of their assets for the computation of their peshkash.

"Even in Government areas adjoining the permanently settled estates we find mention being made of pasturage being collected as early as 1808. We find it stated that Mr. Fraser, the then Collector of Nellore, levied 'a tax of 8 annas per head of cattle (which was collected in September and again with the Pongal feast) and ordered that the kanchas also be sold by auction.'—Page 528 of Boswell's Manual of the district.

"In the same manual the rates charged as pasturage in the district are given. 'The payment of the grazing of the cattle whilst away is ordinarily reckoned at one rupee per head all round for full grown stock. And the batta and the payments made to the herdsmen are calculated at 8 annas a head and Rs. 1-8-0 altogether as the expenditure all round for each full grown animal sent from villages.'

"In the description of the revenues of the Nellore district Mr. Deighton the then Collector as long ago as 1791 gives among the items whence the Government revenues were being derived, fees on grazing cattle which amounted to 10,000 pagodas.

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"There is evidence that the collection of grazing fees was in existence long before the British came in. We find mention of grazing fees even in the agrarian rules formulated by Alauddin Kilji in the 13th century. Until this day in the Government areas grazing fees are collected. Can it be contended that the zamindari ryot possessed more rights than the ryotwari ryot? Times without number the question of grazing rights came up before the High Court. The utmost contention that was put forward on behalf of the ryots was that the zamindar was only entitled to collect a particular sum of fees for the use of the pasture grounds by the ryots but could not refuse admission into them. The High Court held that the zamindar was the owner of the waste lands in his zamindaris and the evidence placed before the court also showed that he was the owner (31 M.L.J., 211).

"In my minute of dissent I have given the references to the various decisions in support of this fact. The Hon. the Revenue Minister would say that forests are not meant to be swallowed and annexed. The zamindars do not want to swallow or annex them either. All that they demand is that they should not be deprived of their ownership of them. It is one thing to ask the zamindars to provide for facilities to the ryots to graze, to collect manure and to take wood for the agricultural implements. They established during the enquiry that the fees charged by them either for grazing or for wood or manure have been moderate and in several instances far less than the rates charged by the Government. Most of the zamindars will have no objection if the facilities should be afforded and the fees to be charged are put on a par with the conditions obtaining in the Government areas at the present moment. It is however a different thing to say that the ryot is the absolute owner of all forests and hills and that even the timber in the forests and hills belong to him.

"The Hon. Minister would state that even the sub-soil rights belong to the ryot and not to the zamindar. He asks, 'Where does the Permanent Settlement refer to sub-soil rights?' My answer is that it is comprised in the expression 'proprietaryship of the soil' which under section 2 of the Regulation was vested in the zamindar. The grants that Kings made in the past refer to the eight incidents of property: 'Nidhi, nikshapa, jala, tharu, pashana, etc.,' which include sub-soil rights. If only some of the inam grants granted by zamindars during the pre-Moghul period, Moghul period, pre-settlement period and post-settlement period are looked into, this will be clear. The question of sub-soil rights was not even raised in the questionnaire issued by the Committee and the barest justice requires that the zamindars should have been required to answer this question and heard before they were deprived of this right. No ryot has claimed. No witness spoke of it. It was left to the generosity of the Hon. the Revenue

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Minister and my colleagues in the Committee to take away this right from the hands of the zamindars and to give it over to the ryot. The Hon. Minister said that there was nothing revolutionary about the conclusions of the Report. May I ask him to point out a single decision of any Judge, Indian or English, in support of this conclusion that the sub-soil rights belong to the tenant? On the other hand, innumerable decisions of the High Court and of the Privy Council have expressed the unanimous view that the landholder alone was entitled to this valuable right. One has only to glance at the Mining Manual to note the distinction between the mining rights in zamindari land and elsewhere. It will be found there that the zamindar has been acknowledged as the undoubted owner of the mines. The Estates Land Act has acknowledged it. The Hon. the Minister stated the other day that the Legislature had the sovereign power to say that the decisions of the District Court or High Court or even the Privy Council were wrong. If the Hon. the Minister meant that the sovereign power has the might, most certainly this Government has the might. But if it is a question whether in so using this might, the Legislature was doing the right thing, the answer is undoubtedly 'no.' You may have the giant's strength but to use it as a giant is most unjust.

"The Hon. Minister next referred to the ryots being the owners of all irrigation works but he would say that a duty was cast upon the zamindars to construct, repair, maintain and improve irrigation works and that duty contemplated no return. It is an axiom in jurisprudence that rights and duties are mutual to each other. Judicial decisions have again recognized the zamindars as the sole owners of the irrigation works. Otherwise it passes one's comprehension why and wherefore they should construct, repair and maintain them at great cost. You cannot make charity obligatory by legislation. The majority report would deny the zamindars even the right to collect a second-crop assessment or water-rate where water is taken to dry lands. It is stated that zamindars are not entitled to any enhancement of rent on account of any construction or improvement of any irrigation works. The Hon. the Revenue Minister is struck with his own moderation in regard to his conclusions and suggestions. This is probably one specimen of his moderate proposals.

"May I once more appeal that instead of attempting to root out the very existence of the landholders, instead of trying to invent reasons in justification of that result, instead of applying the eye to the wrong end of the telescope and attempt to ignore the plain language of the statutes and the consistent interpretation which they have received for over a century and a quarter, instead of applying the logic of Aesop's wolf, if only some regard is had to all the good that the landholders have done in the past, barest

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justice may yet be done. However poor his sense of perception might be, no landholder is oblivious to the fact that the welfare of his tenants is inextricably interwoven with his own welfare. The zamindars will be no less happy than their tenants if this Legislature should come forward with proposals which would give relief to those ryots and cultivators who deserve it or may stand in need of it, while safeguarding the just rights and interests of landholders. If and when such proposals are placed before the House, let me, Sir, assure the Hon. Minister and the hon. Members of this House and every one concerned that the zamindars would not lag behind the others to make sacrifices for the main good of the community, unmindful of their strict legal rights."

* SRI KALA VENKATA RAO:—"Mr. Speaker, I rise to congratulate the Hon. Revenue Minister and the members of the Estates Land Act Committee—some of whom are representatives of the zamindars and some, representatives of the ryots—for furnishing us with this Report so that every consideration might be given to every interest involved in the problem. This report, Sir, which has been submitted, contains eighteen volumes like the Mahabharata (Laughter), and like the Mahabharata, it contains a lore of ancient knowledge; it is full of justice, and its recommendations are highly satisfactory according to me.

"Sir in moving for the adoption of this Report, that is, for adoption on the general basis of the majority recommendations, I feel that this House is doing a long neglected duty in the cause of the ryots in this Presidency. The other amendments want us to wait for some time, want to see that a committee is appointed to go into the recommendations of this Committee or otherwise delay legislation. I would only ask hon. Members of the House to recall what Pandit Jawaharlal Nehru said on this question: He said: 'The fire of starvation is aflame and you cannot waste time in consultations.' Therefore, I submit that there is no need to go again into the merits of the recommendations of the Committee. My predecessor, the Zamindar of Mirzapuram, gave a graphic description of the state of India in 1802, and in his description he gave an account of the economic position of the people. And he also said that the landholders contributed a bulk of their income for public good, and in this way the zamindars have done immense good to their tenants. I am here on behalf of the zamin ryots to deny the statement. I claim, Sir, that the zamindar has been the fifth wheel in the administration of the Presidency. The Permanent Settlement put him in possession of the land and he used that opportunity to the utmost benefit for himself, so that to-day we find the tenant, or rather the ryot, completely at his mercy. The Congress, realizing this state of affairs, passed a resolution at its Lucknow session stating that

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'the most important and urgent problem in the country is the appalling poverty, unemployment and indebtedness of the peasantry fundamentally due to repressive land tenures and revenue systems and intensified in recent years by the great slump in prices of agriculturist produce.' And to-day our politicians have set themselves to solve this problem. Our Premier in his budget speech declared that 'this can be done only by raising the standard of life of the masses,' and he said also that 'the raising of the standard of life that is needed can be achieved only if we leave more money in the hands of the masses, the toilers of the land.' This shows the need for this legislation, and in fact, this is only the first step in that direction.

"Next, Sir, I would like to draw your attention to the fact that of late, the zamindar has become practically a distant, abstract, unknown suction pump in the eyes of the ryot. You have only what is called absentee landlordism; you don't find the landlord in the headquarters of the estate; you find him either at the Guindy race-course or on the Ooty heights or at Whiteway's or Spencer's; and therefore, I say that the tenant knows the landlord only as a distant, abstract and unknown, suction pump. The state of the country also deserves consideration. To-day half the Province is subject to drought, the other half to the inundations of the rivers and ravages of the cyclone and the whole Province is groaning under debt. It is the bounden duty of this Government which has taken upon itself the amelioration of the masses to lower the rate of rent. The reform, Sir, which is now contemplated is well-conceived. A reform, without taking into consideration the present state of affairs, will not set right the wrongs that have been perpetrated for 136 years. I am very glad, Sir, that the majority recommendations give bread to the people who are in dire need of it.

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p.m.

"Then, Sir, the contentions contained in this Report are based upon two things. One is the proprietorship of the soil. On this matter, the hon. Zamindar of Mirzapuram has striven to show that the tenant is not the proprietor of the soil and that the zamindar had acquired that right long long ago and what the Permanent Settlement did was to confirm that proprietary right. I would like to tell you, Sir, that this statement is utterly wrong and is going against the history of our own country. I quote in this connexion from a Rajaput song—

'Bhog Ra Dhanni Raj Ho
Bhum Ra Dhanni Ma cho.'

'The Government is the owner of the tax and I am master of the land.'

And further, Sir, Mr. Coolbrooke says in his essays:—

'The monarch has not the property of the earth. His earthly power is for the Government of the realm or the collections of taxes.'

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Another point was also made out. After the Muhammadans conquered this country, it is contended that the ideas have changed. I would also like to quote one or two Muhammadan authorities:

'He who has the tribute from the land has no property in it'—Modena Shari Bazz.

'Whoever cultivates lands does thereby acquire the property of them.'—Mohamed in the Hedaya, Fourth Chapter.

'The land of Sawad of Irak is the property of its inhabitants'—Galloway in 'Abu Hanjeja.'

All these authorities would show that even in the pre-historic periods the proprietorship of the soil vested in the ryot. Justice Muthuswami Ayyar in 9 Madras, page 175, held:

'According to what may be termed the Hindu Common Law, a right to the possession of the land is acquired by the first person who makes a beneficial use of the soil.'

This was the state of affairs at the time of the Permanent Settlement. I therefore contend, Sir, that the proprietorship of the soil vests in the ryot. This point is also brought to the fore if you consider the state of affairs of those days in the words of Mr. Edmund Burke. The state of the country was described by him in characteristic terms referring to the rentiers and farmers of the land:—

'An endless, hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food the cries of India are given to seas and winds to be blown about in every breaking of the monsoon over a remote and unhearing ocean.'

And Sir George Campbell described the origin of these zamindars and I would like to quote a few lines of his:

'Native leaders, sometimes leading men of Hindu clans and sometimes mere adventurers who rose to power as guerilla plunderers and eventually came to terms with the Government and established themselves in the control of tracts of country for which they paid a revenue or tribute; the officers whose business it was to collect and account for the revenue gained their footing as hereditary proprietors in disturbed times or in times of imbecile Government; enterprising bankers and other speculators in the decadence of the Mogul Empire took contracts of paying revenue and they exercised great authority as farmers—general and handed it down to their successors.'

If we peruse these authorities we will know the state of the country before the Permanent Settlement was brought into vogue.

'The rulers of the day determined that the conditions in India should be brought under control and they thought that the Permanent Settlement was the best medium. You can see that section 39 of Pitt's India Act, 1784, required the East India Company to take immediate measures 'for settling and establishing upon principles of moderation and justice according to the laws and constitution of India.'

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"On this basis the Bengal Settlement was taken up and when it was accepted and after the defects in that were rectified, the Madras Permanent Settlement was brought into existence. After that, Sir, in the letter of instructions from the Court of Directors to Lord Cornwallis, dated the 12th April 1786, it is stated that the object of the Legislature was to declare a general principle of conduct and not to introduce any novel system or to destroy those rules and maxims of policy which prevailed in regulated periods of native history. The internal evidence as regards the proprietorship has been discussed by the Hon. Minister himself. This contention that the ryot is the proprietor of the soil has also definitely been upheld by no less a person than Sir P. S. Sivaswami Ayyar in a recent statement in the Press, though he strongly criticized the other recommendations in this Report. He said that the question of the ryot being the proprietor of the soil has been acknowledged all these years. If that position is settled, all that follows in the Report is only a simple deduction and is only justified by that maxim.

"Another thing, Sir. There is the contention that the ryot does not enjoy the subsoil rights. In this connexion, I would like to quote the Hon. Sir K. V. Reddi Nayudu. He said on 7th December 1924 in the Madras Legislative Council 'that the land belongs to the ryot and not to the rulers.' Even in the most ancient documents (that means conveyances of sale of properties) we find terms which invariably lead to the only inference, viz., that the proprietary right of the soil vests in the ryot. The use of the word 'తరులవాడగు' trees, water, mines, are all conveyed in ordinary conveyances, and we find this wording in every sale deed that was executed in those times.

"In later times, Sir, we find that the zamindar laid claims to poramboke, trees, tank-beds, forests and everything else that is within the estate. We say, Sir, that this claim of the zamindar for these rights is nothing but injustice. I would like to tell you, Sir, that the word 'poramboke' is not found in the Telugu records and in the books that are now in the custody of the Hon. the Revenue Minister. These lands are described as 'గ్రామపయక భూమి' or lands for the use of the village and not for the use of the zamindar alone. Further, to-day all the forests which are so eloquently claimed by the Zamindar of Mirzapuram, have been denuded of all trees; they are not forests at all. Unfortunately the Hon. Minister for Forests is not here. Otherwise, I would cite him as a witness as to the state of the forests in the zamindaris; he visited recently the innermost regions of the East Godavari district, where at Bhadrachalam and two other taluks large number of forests are owned by the zamindars. We have seen it with our own eyes. The ryots are very cruelly

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dealt with when they are concerned with forests. This is the administration of the forests by the zamindars. What shall I call it, is it exploitation or expropriation or any other name that we can find in the dictionary? The destruction of the forests has led to the scarcity of material for agricultural implements to the ryots and the ryot has to run out of his village to get leaves for his manure.

"Therefore, the main recommendation contained in the majority report that the forests should belong to the ryot, should be accepted in the general and natural interest of this country. Or else, if not in five or ten years, at least in fifty or one hundred years, we cannot see the mighty river Godavari flowing, nor could we see the river Cauvery flowing. If the forests are denuded of their trees, water will not be held there. The rivers will flow at uneven times, even if running; and as the fullest moisture cannot be got, cultivation will fail.

"Therefore, I think that the retention of the forests should be in the hands of the State and that the ryot must be made to enjoy the customary rights, namely, free use of manure leaves, free use of wood for agricultural implements and for household purposes and free use of the ground for grazing his cattle.

"Next, Sir, I come to the tank-beds. Tanks in the zamindari villages are managed by the zamindars themselves to no purpose. It is clearly shown from the petitions presented to the Hon. Minister and the Collector of East Godavari. To my knowledge, Sir, the Maharaja of Pithapur administers the tanks in such a way that he leaves no water in certain tanks so that the raised ground might be rented for higher sums for cultivation purposes, in the second-crop season.

"Then, Sir, let us take the question of porambokes. The Hon. Mr. Forbes stated in 1908:

'Under the ordinary Common Law, the communal sites were from time immemorial exempt from taxation and appropriated for the use of the villagers.'

"Recently, Sir, there was a lot of litigation about a number of babul trees grown in the village of Devarapalli in my constituency. Sir, one enterprising gentleman who suffered most in the cause of the country, Mr. N. Bapanna, took it into his head to sow these babul seeds in the puntas. The trees grew with the result that after a number of years the villagers thought that it was a good property for them for their agricultural needs. Several criminal cases were filed against the villagers and several suits were tried in courts and finally it was decided that the trees belonged to the zamindar and not to the ryot. Sir, the law provides means for the ryot going up to the Privy Council. But he who sows the babul trees does so because he cannot spend

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Rs. 2 to purchase a tree. To expect him to go to the Privy Council to fight his case and spend thousands is something that I cannot comprehend. This instance I am bringing to your notice to show that in all cases in which the communal porambokes were under the management of the zamindars, they were never utilized for the good of the ryots of those villages but of the zamindars themselves.

"Then, Sir, I come to the question of the irrigation works. The Zamindar of Mirzapuram waxed eloquent that in these great days of public good the zamindars have been spending a good portion of their income for the improvement of their irrigation works. One may vivisect the whole of the evidence. Everywhere the common grievance is that there is no good irrigation. Why should you see the evidence even? Everyone who travels in the zamindari areas, especially the upland tracts, will see the worst phases of the irrigation works. In order to meet his charge, I would like to invite your attention to this fact. The present rent-roll of the zamindari of Pithapuram is about Rs. 8 lakhs. In 1802 it was Rs. 3,92,000. The increase is Rs. 4,10,000. Let us take the 50 per cent average for all these 136 years, at the rate of Rs. 2,05,000 multiplied by the number of years gone by and the income he has collected over and above his rent-roll of 1802 during all these years should at least have been Rs. 2,78,80,000. According to the irrigation report submitted by the Maharaja himself he says he spent on pre-settlement works, that is, works that were in existence before 1802 a sum of Rs. 4,17,983 and a sum of Rs. 3,62,000 and more for newly constructed irrigation works. The total is Rs. 7,28,583. But he had an income of Rs. 2,78,80,000. Even if his figures were correct, he has spent on improvement of irrigation works 7 lakhs and odd rupees. Does this mean improvement of irrigation works? God alone must know what the state of irrigation is in these areas. He also gives in his figures that the total rented area in his estate is 41,000 acres or so and his total income is Rs. 3,12,000 on this head. Taking that the whole sum of Rs. 7,29,500 is a fresh investment on his irrigation business, we come to see that the return is as high as 45 per cent.

"Then, Sir, I come to the implications of the Permanent Settlement. According to the findings of the Board of Revenue, what was collectable from the zamindari tenant was not rent but was only dues to the Government. When Regulation XXV of 1802 is read with Regulation XXX of the same date, we come to the inevitable conclusion to which the majority has come to. I would like to draw the attention, Sir, to what John Stuart Mill said. The zamindars said that it was the misreading of the sections and a misinterpretation of what was written in those Regulations that was responsible for the conclusion that the rent was fixed

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unalterably. Mill says that 'fixed unalterable pattas should be given to the ryots, that is, that they should pay rent which could never be increased and occupy a position from which they could never be displaced.' If Stuart Mill who studied the Regulations came to that conclusion, I do not think that the majority coming to the same conclusion cannot at least be charged that they have not got what our opponents call a conception of what is correct. Then, Sir, he says that sections 7 and 8 of the Patta Regulation do not carry the meaning which the Revenue Minister imputed to them. I also contend that section 7 provided that no extra land tax should be collected from the ryot under any pretext, over and above the amount permanently fixed. Section 9 provides that in case of dispute about the rate of assessment, the assessment of the year preceding the Permanent Settlement should be fixed as the basis for arriving at that figure. On this I would invite the attention of hon. Members through you, Sir, to rule 10 of the Instructions to Collectors wherein it is said that the jumma now formed is moderate in its total amount and properly distributed. He raised the contention that this word meant peshkash only. But, no one who can understand the meaning of 'jumma' or its historical antecedents or its classical meaning would bear it out. Asal Tumadi jumma means original assessment itself. Out of this peshkash and the Permanent Settlement was carved out.

"Then, Sir, I do not like to repeat the unalterable, forcible and clear arguments advanced by the Hon. Minister for Revenue in this connexion. I would only like to submit that even after the permanent settlement the abuses did not stop. Some of the zamindars went on continuing to levy rates which meant additional levies. They were of various kinds and I do not propose to read them here. They collected khasnovessy fees for clerks, filkhana for elephants and mangan for family expenses and when all these were brought to the notice of the authorities, the Government were forced to bring forth Regulation IV of 1822. It is not as if to confer rights enjoyed by the zamindars prior to 1802 that the Regulation IV of 1822 was conceded; it was only to prevent the abuses that were resorted to by these zamindars. Well, Sir, it is contended also that this Regulation does not confer any positive right. I agree. It need not confer, because the rights existed from time immemorial and it was intended to protect those rights that existed at the time of the permanent settlement. I entirely disagree with the meaning put on it by my predecessor. Sir William Hunter also remarked that the imposition of the cesses made the effect of the permanent settlement nugatory.

"I would like to say a few words about the subsequent legislation. In 1865 the Rent Recovery Act was passed. In 1898 the Madras Tenancy Bill was moved but was dropped. In 1908 the Madras Estates Land Act was passed. As the Hon. the Revenue

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Minister remarked, for reasons beyond comprehension, what was originally conceived was dropped at the time it was made into a statute. Even before the permanent settlement was concluded we have got instances of grave corruption. No less a person than Sir Thomas Rumbold, ex-Governor of Madras, made a personal gain of Rs. 28 lakhs, summoning all zamindars to Madras under the guise of making favourable settlement with them direct over the head of the district councils. This piece of information is contained in the able introductory minutes of the Appendices drafted by the 6-15
industrious Secretary of the Estates Land Act Enquiry Committee. p.m.
Perhaps, Sir, it requires one to go behind the scenes to know what happened to drop clause 10 from the Madras Rent Recovery Act of 1863. It is beyond my comprehension why this clause, which was originally admitted by the Select Committee was dropped and why some other provisions were substituted in 1908. I do not accuse anybody for it, but the gentlemen who contested all these years were powerful and monied people who could do and undo many things. Therefore, even most things that were conceived in a spirit of justice had to be changed and dropped at various stages. To-day, we find ourselves faced with an Estates Land Act which remains silent when land deteriorates and agriculture sinks, but is active when the performance of the obligations from the tenants are insisted upon. If you go through the Estates Land Act you will see that it does not contain many sections in which the ryot is helped but it contains sections under which the zamindar can go to courts of law or otherwise enforce obligations for rent.

"Further, the Zamindar of Mirzapuram, criticising the Hon. Minister's statement sentence after sentence, said that section 38 of the Madras Estates Land Act provides for reduction of rent if there is a fall in prices. What the Hon. Minister intended was not to say that there was not any such section in the Act but that the effect of that section was next to nothing. Perhaps in all the Collectors' and Deputy Collectors' offices throughout the Presidency you will find that there is not even one per cent of suits for reduction of rents. Therefore, the existence of this section on account of the implications involved and with its circumscribing clauses is as good as non-existent. Sir, when such is the true state of affairs, I should like to urge upon this House that it will be just and meet that it should support the recommendations of the majority. But, I would like to draw the attention of the Hon. the Revenue Minister and the Government to the fact that when I use the word 'general basis,' I wanted that the proposals of the majority should not be belittled but should be expanded.

"I would like to submit that the law of primogeniture should go. Under the existing circumstances, Sir, it is the zamindar's eldest son that succeeds to the zamindari. This should be repealed. I should like to quote the Hon. Mr. G. C. Brodrick:

'Primogeniture must be condemned, politically, as aggravating the perilous dualism of town and country; as affording the very minimum

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instincts of proprietorship; as giving a very limited body of landlords a preponderance in the State. It must be condemned, socially, because it helps to stereotype the caste-like organization of English classes in horizontal layers. It must be condemned, economically, because it cramps the free play of economical laws in dealings with land, multiplies the difficulties and cost of transfer, and discourages a far-sighted application of capital to agriculture. It must be condemned morally, because it holds out to almost every eldest son in what must still be regarded as the governing class the assurance of wealth and power, whether he be worthy of it or not, and subject to no condition but of surviving his father. It must be condemned, in the interest of family government, because it fatally weakens the authority of parents over eldest sons and introduces a degree of inequality into the relations of children brought up together, which often mars the cordiality of their intercourse in after-life.

“ I therefore urge that this law of primogeniture as adumbrated in the impartible Estates Land Act should also be done away with in the new legislation.

“ My next point is as regards the kamatam lands and the private lands of the zamindars. There, I should like to say that in the new legislation no zamindar should be allowed to own more than a fixed number of acres as his private land or kamatam land. These zamindars should not own more than a fixed number of acres of these private lands and private lands which are held now should be proved to have been private lands in 1802. This point was argued in 39 Mad., 341 H.C. and 39 M.L.J., 277, P.C. The courts before giving judgments, based their judgments on all the points involved and upheld that in the particular case the zamindar has no right to that private land which was once his land.

“ Then, I want to put in a plea also of what is known as fluvial action. This was dealt with for the first time in the 1908 legislation. Accretions of land should belong to the ryot owning the land near by. Upon this question there have been decisions in 13 Mad., 369, 22 Mad., 464 and 40 Mad., 1083. I should also like to submit that there is an express law in Bengal about this law of Alluvien and these principles must be embodied in the new legislation. That the accretion belongs to the owner of the adjoining land was accepted in 1313 Moore's Indian Appeals 467. The law of alluvien which confers the increment on the abasing land owner, rests upon the principle of compensation embodied in the equity of awarding the gradual gain to him who is exposed to the chance of suffering a possible gradual loss, as well as upon the impracticability of identifying to-day from these the minute increments and decrements caused by the constant action of running water. Accretions by Alluvien acquire the legal character of the land to which they may adhere. I would like to draw the attention of the Hon. the Revenue Minister to the fact that provisions must be incorporated in the new Act which should give the right to the adjoining ryotwari pattadar to claim that soil as his own land and also that such of the land which is eroded from out of the land should not be taxed and if it reappears by chance the land should go to the first ryoti landowner.

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“ Then, I would like to plead on behalf of the Agency people in Bhadrachalam. There, there are what are known as inferior proprietors. The word is a wonderful word. It connotes something like Canadian gold or German silver. If there is proprietorship there cannot be inferiority in it, if there is a full meaning to the word ‘ proprietorship ’ itself. There the settlement is very heavy and these people of the Agency fell prostrate before the Hon. the Revenue Minister when he went there. I can quote an instance in the Agency, an inferior estate where the total revenue is Rs. 741 and this wonderful inferior proprietor pays Rs. 482 as peshkash, Rs. 38 as emoluments, Rs. 48 as malikhana and Rs. 63 local cess, making a total of Rs. 631. I appeal for the application of the new Madras Estates Land Act to these areas also. In the report we find that the Act might be applied to Bhadrachalam and other taluks but Nugur should be excluded. That is my apprehension. I am confident that the Hon. the Revenue Minister must have changed his opinion after his very long tour in the Nugur taluk. I should like to say that Nugur is far more advanced than Bhadrachalam itself. Therefore, I plead for the extension of the Estates Land Act to the Nugur taluk. The original Central Provinces Tenancy Act is under application there even now; the Act has been amended in Central Provinces itself, but the original Act is still applied in Nugur taluk. I move for the extension of the Estates Land Act to that area.”

THE HON. SRI T. PRAKASAM:—“ With regard to Nugur there was a mistake in one part. It was included in the main portion.”

* SRI KALA VENKATA RAO:—“ Thanks, Sir, The Zamindar of Mirzapuram said that there is practically no case made out for the under-tenant. One sentence is contained in the majority report: the majority says that the question of the under-tenant is practically common both to the zamindari and ryotwari areas and that legislation must be undertaken for betterment of his present status at an early date. We know that the under-tenant is helpless because he is landless; he is a slave because he is dependent on employment; he is insolvent because he is without any stand-by to support him, and he is mute because he is broken down by needs. The zamindars now cannot speak of the ten Commandments as if they sprouted out of one's politics and the seven deadly sins out of the party in power. I plead, Sir, for the cause of the under-tenants with greater force and with a real purpose. I wish that the Hon. the Revenue Minister and the Hon. the Premier make some real efforts for the betterment of the lot of the under-tenants, not only in the zamindari areas but in the ryotwari areas also.

“ Then, Sir, the hon. the Raja of Mirzapuram argued that this contemplated legislation is intended to extirpate all the zamindars, that they would be extirpated even within the twinkling of an eye,

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if the recommendations contained in the majority report take the shape of an Act. I would like to submit that all property rights including even contractual relations have been given by the law-giver and what the law has given, the law can take away in whole or in part. Therefore, Sir, I submit, that equality, justice and fair play are only different names for the same thing—a quality in which the zamindari system is not rich. In this state of affairs, it will not be any injustice if, in the name of justice and fair play, the zamindars are deprived of their ownership of the soil absolutely, if they had any, and the same is vested in the ryots, both in the supersoil and the sub-soil, for want of which the ryots are suffering from all the ills that can be conceived of. And further, Sir, I would like to submit that this zamindari system was created at a time when there was no law in the country, when there was no security of person and property and when the battle-field was the order of the day. Now when the cultivated field has taken the place of battle-field which created some zamindaris, the custodianship of national interests must pass into the hands of the tenants and the Government have every justification in seeing that the cultivators' interests are protected.

“ Well, Sir, I would like not to tire the patience of the House further. I would only submit this. If a man plucks apples and keeps them beneath a tree, his labour in plucking gives him a right to appropriate them. So too, the ryot who cultivates the land has every right to appropriate the land to himself, and the harvests which come from these lands by the efforts of the ryots should not be allowed to be taken away in whole by the zamindar. So the zamindari system which has been in existence all these years has outlived its usefulness and therefore must yield its place to a more orderly and controlled system. I would like to submit that the zamindari system lasted long like a hard winter but the hardest winter cannot hold back the spring for ever. The times have changed, ideas have changed. So it is our bounden duty to support the cause of these millions of ryots who are working in the fields and it is for their good that we fight to one man. Their voices were not heard all these years because even in the general constituencies, the zamindars got themselves elected as legislators and stifled the cause of the tenants. But in the last election all the ryots in the zamin areas put their votes in the yellow boxes and said, ‘ We want to fill in the yellow boxes with small pieces of papers which are votes, in return for small pieces of bread which we are in need of ’, and indicated thereby that the Congress legislators should try to give them more bread. So I would submit that the zamindars who have been enjoying more than their legal dues all these 136 years should surrender their rights gladly. I appeal to the zamindars to voluntarily agree to the majority recommendations of the Committee; I appeal to the

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Government to bring in legislation on the general basis of those recommendations, and I also appeal to the House, through you, Sir, to give its unanimous support to my amendment.”

* Mr. E. H. M. BOWER:—“ Sir, I am impelled to intervene in this debate for two reasons. Having as a Revenue Divisional Officer helped for several years in administering the Acts governing the relationship between zamindars and their ryots, I am naturally interested in a matter which closely concerns both parties. Secondly, as the representative of a minority community, I strongly feel that when the previously acknowledged rights of one minority in this House are prejudiced, it is the bounden duty of members belonging to all the other minorities to examine closely the subject on which the decision of this House is sought, and to ascertain the extent to which the majority depends on might, apart from reason and right.

“ The method in which the present discussion has been brought before us is a fine example of shock tactics. A Government peon came staggering up to me about a month ago, bearing in his arms a huge pile of literature on the Estates Land Act Committee's Report. The Report itself is of a very special nature, and the voluminous yellow books on this dry subject exercised a paralysing effect on me. But having slowly recovered from the shell-shock, I have endeavoured to separate the kernel from the husk and to see just what all this huge expenditure of time and labour and money has produced.

“ Before I proceed to examine the two main conclusions in the majority report, I freely admit that individual zamindars have grossly misused their powers. I hold that this is a matter for remedial legislation. I am now confining myself to the question of right and title. I congratulate the hon. Member who last spoke on the first part of his speech which was very fine indeed so long as it dealt with the grievances of the ryots. But I feel that at the end of his speech he showed his hostility to the zamindars by asking that the law of primogeniture might be abolished and that the zamindar might be deprived of his forest rights, fluvial and other rights and so on. I expect the House to consider this matter in cold reason. Let us examine the basic conclusion arrived at in the majority report, which the Hon. the Revenue Minister has told us is based on solid facts. This conclusion is that the ryot is the owner of the soil. What solid facts form the basis for this assertion? We know that in section 2, Regulation XXV of 1802, the proprietary right was vested in zamindars and their heirs for ever. Before that date, there was no statute in existence on the subject, but this does not help the majority report in the least. The utmost the Government can urge is that prior to 1802, there

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is no good evidence that the zamindars had the proprietary right. To infer from this that the ryot had the proprietary right is to be guilty of two distinct fallacies.

The first fallacy is that the mere absence of evidence does not by any means prove that the zamindars had not the proprietary right. In the case of zamindaris like Rammad, Kalahasti and Bobbili which can trace their descent continuously from independent or semi-independent States, the probability is all the other way. It is all against the majority report. In the case of newer creations, all we can infer is that there is no evidence one way or the other.

"The second fallacy is that it by no means follows that if the zamindars did not possess the proprietary right, the ryots must have possessed it. This would entirely ignore the existence of a third party, the State.

"I admit, Sir, that Mr. Crole whose speech in 1898 was repeatedly referred to by the Hon. the Revenue Minister, has used words which go to show that he thought that the ryot was the owner of the soil. But I would ask the House to consider all the facts. I have some personal knowledge of the state of affairs in 1898, as I entered Government service in that year, and I can assure the House that Mr. Crole could not possibly be held to voice with accuracy the sentiments of the Government of the time. Several of his colleagues and superior officers, notably Mr. Garstin, differed violently from his opinion. After all, Sir, that Bill of 1898 was withdrawn. One thing is clear. Mr. Crole's views were not shared by the Government of 1898, as I shall presently show. It was not shared by the highest judicial courts in the land between 1802 and 1898—nearly a century.

"That the ryot could not possibly have had the proprietary right in 1802 is obvious when we remember that the British Government succeeded not Hindu, but Muhammadan rule. For as the framers of the majority report themselves state, under Muhammadan rule the Ruler was the proprietor of the soil, and the British Government followed the lines of policy chalked out by their predecessors. And so, in their endeavours to establish their position that ryot is the owner of the soil, the majority have gone back to the days of Manu, somewhere about 500 B.C. But all that they can give us from that authority is a vague quotation that the land is the property of him who cuts away the wood. Now Manu also describes the King as the Lord Paramount of the soil. History therefore does not in any way support the extraordinary conclusion in page 9 of the Report that the ryot is the owner of the soil. The history of India under Hindu dynasties is a history of dominating personalities and continually shifting authorities, a state of affairs which would give no room for peaceful ownership of the

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soil by the cultivators. It is only when a large Government comes in and brings in a *pax* of its own—it is the *pax Britannica* at present and it was the Moghul *pax* before—that you can have peaceful ownership of the soil by cultivators.

"Sir, when I saw that the majority had found no support either in the British or the Muhammadan land revenue systems, and had appealed to the Code of Manu, I naturally endeavoured to ascertain whether the right of the ryot to be considered as the owner of the soil was recognized in any of the numerous Hindu States in India. I found none. If any favourable evidence exists, surely that evidence could have been stressed in the lengthy majority report. It would be interesting to know what the Indian States think of this claim, which so far as I can see from the citations from Muhammadan and British sources is entirely due to a confusion between fixity of tenure and ownership—two totally different things. The British Government steadily supported fixity of tenure. It was part and parcel of the *pax Britannica*. Mr. Crole himself has quoted Mr. Justice Subrahmanya Ayyar's dictum. I remember Sir S. Subrahmanya Ayyar; in my younger days he was considered a marvellous ornament of the Bench. His dictum was: "The common law of Madras gives every ryot an occupancy right, irrespective of the period of his holding." Just so. But neither the Government nor Mr. Justice Subrahmanya Ayyar has anywhere stated that the ryot was the owner of the soil.

"A second conclusion, not going quite so far as the first, is that the land revenue assessment fixed upon the cultivated land at the time of the Permanent Settlement was fixed in perpetuity, and so was incapable of enhancement or reduction. We are invited to believe that from the year 1802 to the present day, the Government that introduced the Permanent Settlement was so ignorant of the conditions in permanently settled areas, that having fixed for all time not only the zamindars, but also the ryots' rents, the Government acquiesced in illegal enhancements of rent by the zamindars. Sir, any one who has any knowledge of the revenue history of this Province during the past century must look upon such a statement as the very opposite of the truth. Time and again, measures have been brought in by Government to stabilize the position of ryots in zamin areas, and to render it difficult for landed proprietors to misuse their powers. All this labour would have been quite unnecessary, if the zamin ryots had had their rents fixed in perpetuity, in 1802. To ask this House to believe that the Government of 1802 did something which remained a dead letter between 1802 and the present day, and that the signatories of the majority report have found out that for 136 years zamindari ryots have been done out of their alleged rights, is to ask a good deal. In the name of common sense, I would ask the question, whose opinion

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will you take, the opinion as acted upon by the framers of Regulation XXV of 1802 or the opinion of the framers of the majority report, who claim to know more of the intentions of the Government of 1802 than that Government itself did? (The Hon. Mr. T. Prakasam: 'Hear, hear.') The Hon. the Revenue Minister has stated that every zamindar's sanad reproduced the sections of the Permanent Settlement Regulation, and contained a statement whereby the zamindar bound himself to abide by the regulations issued by Government. And then he asks us to hold that the judicial courts all went wrong in interpreting the Regulation. I appeal to the House to consider whether the Hon. the Revenue Minister has not smashed his own case by these statements coupled with the assertion that the British Government of 1802 intended the ryot to be the owner of the soil and to pay a rent that was unalterable. For if the judicial courts had gone wrong and Government felt they were wrong, what could be simpler than a supplementary regulation definitely declaring these two rights? That Government never restored to this easy remedy, is to my mind conclusive proof that their attitude to these questions was not the attitude imputed to them by the Hon. the Revenue Minister. Regulation IV of 1822 would never have been worded as it has been worded, if the Government of that day thought as the Hon. the Revenue Minister thinks.

"Sir, if Government desires to strengthen the position of the zamin ryot by making his fixity of tenure a reality, I am with them. I do feel that these ryots have been done out of their rights and that they ought, in all fairness, have this fixity of tenure guaranteed. Every Divisional Officer who has administered this Act has felt that there was to a large extent a failure of Government to safeguard the rights of ryots in zamin areas, as they should have been safeguarded. But by inviting this House to agree to raise the status of zamindari ryots by the acceptance of statements which are unsupported either by history or by fair reasoning, the Hon. the Revenue Minister has asked too much. I find that even the Servants of India Society, that stalwart democratic body, finds some part of this majority report difficult to swallow. The question of forests for instance. What evidence is there that the ryots have ever had a right to control forests? And yet we are now asked to hold that they have this right.

"I shall not take up the time of this House with an examination of other conclusions arrived at in the majority report. But I would invite attention to four facts which cannot be ignored. The first is the existence of ancient zamindaris such as Ramnad, Venkatagiri, Kalahasti and Bobbili, originally self-governing estates. You cannot treat these zamindaris as mere rent-farms, on a novel reading of Regulation XXV of 1802.

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"The second is the fact that in 1802 the Government's share in non-zamindari areas was in many cases 50 per cent of the gross produce of the ryotwari land. I understand that the Salem Settlement in 1792 by Colonel Reed was on this basis, but I am open to correction. It is a safe inference that Government assessed permanent landholders on this basis, and both logic and justice would therefore require that in fixing a permanent settlement on the basis of 1802, you must in ordinary fairness allot zamindaris something like a 50 per cent share of the gross produce. This is obviously a very high proportion indeed. I merely mention this to show the perils surrounding an acceptance of the majority report.

"The third fact is that the vast majority of the present ryots in zamin areas have bought their lands on existing conditions and that it is now proposed to give them unearned increments for no good reason.

"The fourth and final fact is the impossibility of ascertaining the actual state of affairs in the villages of each permanently settled estate in 1802. I know that there has been some kind of provision made for it in the Bill and there has been an attempt to put up machinery to deal with this problem. But I am fairly certain that in most cases wet and dry lands have not been separately entered in the village account. And everybody knows that in the account of 1802 the areas were all hopelessly inaccurate. There were no boundary stones, no Gunter's chains, no survey, nothing but rough *kasara* calculations. Where the landholder received his rents in kind, there are practically no data at all. The problem before the unfortunate officer deputed to enquire into this matter would be incapable of solution. I was talking this morning with a very senior member of the Indian Civil Service (retired) and he said that the problem was really incapable of solution. If such a problem is set before an officer and if he is asked to find out exactly how much each field had to pay the zamindar on its status in 1802, it would be utterly impossible for him to find the answer. So, Sir, I do ask this House to listen to reason. If the Government desire to ameliorate the position of the ryot, most of us on this side of the House are in entire agreement with Government. We would like to see that done. But as I have mentioned before, two wrongs do not make a right. I would ask this House to consider carefully what it does, lest in remedying one grievance, it brings in another grievance, which, although it affects fewer people, really affects them individually to a far greater extent than the first grievance did affect the multitude."

* SRI K. CHANDRAMOULI:—"Sir, after so many elaborate speeches have been made. I want to bring to the notice of the House only three points. The first is: who is the owner of

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the soil? Secondly, what is the nature of the rent and then thirdly whether rents may be altered or not. According to the conceptions of Hindu law and Hindu dharma, kings cannot make laws. They are also subject to law. That is the conception of Hindu law and Hindu dharma. According to the British law the king is above law. He is not subject to law. That is the European theory of law. But according to the Hindu theory, the king has to administer the law according to the dharma and that is why he is given a share of the produce of the land.

7 p.m. "The King was collecting the tax according to necessities. Even according to Manu, the maximum of one-fourth has been fixed during the time of war; in normal and peaceful times, a maximum of one-sixth or one-twelfth has been fixed. This maximum limit has been fixed, which even the king cannot change or alter."

The House then adjourned to meet again at 3 p.m., the next day.

APPENDIX I.

[Vide answer to unstarred question No. 197 asked by Sri K. V. R. Swami at the meeting of the Legislative Assembly held on the 23rd January 1939, page 417 supra.]

Silver Jubilee Fund—Allotments for leprosy relief.

Serial number and district.	Amount allotted.	Amount actually spent.	Purpose for which the amount was spent.	How the balance, if any, is proposed to be utilised.
(1)	(2)	(3)	(4)	(5)
1 Ganjam	Rs. 7,600 0 0	Rs. A. P. 5,000 0 0	Paid to new Province of Orissa	
2 West Godavari	Rs. 5,000 0 0	Rs. A. P. 5,000 0 0	Paid to Bethesda Leprosy Hospital, Narasapur, for an operation block and male ward, with extension for infection shelter. Work completed.	
	(a) 7,598 0 0	..	For the construction of model clinic at Tanuku ..	
3 Guntur	1,500 0 0	1,500 0 0	Paid to Salvation Army for the construction of a ward in Bapatia Leprosy Settlement. Ward completed, but destroyed in cyclone.	
	1,300 0 0	1,300 0 0	Paid to Salvation Army for reconstruction of ward at Bapatia out of central funds.	
	400 0 0	400 0 0	For construction of leprosy sheds at Narasaraopet and Gurala.	
4 Nellore	1,750 0 0	1,168 10 0	Paid to Collector for construction of sheds ..	
5 Cuddapah	1,735 0 0	1,735 0 0	Paid to Collector for surgical block in American Leprosy Hospital, Kodur. Work completed and block opened.	
6 Bellary	1,043 8 0	1,043 8 0	For the construction of Clinic shed at Hospet ..	
7 Chittoor	2,424 8 0	1,600 0 0	For the construction of sheds at Puttur, Tiruttani and Kalahasti.	

(a) Out of Rs. 7,598, an amount of Rs. 5,020 is intended for the construction of the building for the leprosy clinic at Tanuku. The remaining amount of Rs. 2,578 has to be utilised for the equipment of the clinic. The estimates have been not ready but the construction of the building has not been begun as yet. The District Board Engineer, West Godavari, reports that he has addressed for the opinion of the Consulting Architect as to the construction of the clinic and the reply is still due.

The amount of Rs. 1,750 was proposed to be spent on the construction of leprosy sheds at Venkatagiri, Atmakur, Buchireddipalem. The sheds at Venkatagiri and Atmakur were already completed and the shed at Buchireddipalem was recently given on contract and is in progress.

A sum of Rs. 1,000 has so far been spent for the construction of the leprosy sheds at Tiruttani and Puttur. The balance will be utilised for the construction of a shed at Kalahasti. The work has not yet been taken up pending revision of the estimate by the Executive Engineer, Madanapalle.

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Serial number and district.	Amount allotted.	Amount actually spent.	Purpose for which the amount was spent.	How the balance, if any, is proposed to be utilized.
(1)	(2)	(3)	(4)	(5)
8 Chingleput	Rs. 6,051 8 0	Rs. 6,061 8 0	For the construction and equipment of special leprosy clinic, Saldapet.	
9 North Arcot	7,600 0 0	6,990 0 0	Paid to Collector for model clinic in Headquarters Hospital, Vellore. Of this Rs. 3,600 has been diverted without reference to the Red Cross Society for construction of sheds as under :— (1) At Wallajah, Arkonam, Ambur and Arni —completed.	Out of the sum of Rs. 7,600 a sum of Rs. 6,990 has been spent on the works mentioned below :— Construction of leprosy shed at Mamandur. Rs. 499 Do. Arni. 275 Do. Tirupattur. 275 Do. Ambur. 275 Do. Cheryyar. 275 Do. Arkonam. 275 Do. Alangayam. 275 Do. Wallajah. 275 Do. Wallajah. 275 Construction of leprosy clinic at the Headquarters Hospital, Vellore. 3,999 Cement flooring of leprosy shed at Wandiwash, Alangayam, Tirupattur, Wallajah, Arkonam, Mamandur and Cheryyar. 140 Construction of foot bridge over the drain near Karpadi jute-stand, Vellore. 160 The balance of Rs. 610 will be utilized on the following works for which estimates have been sanctioned :— (1) Provision of a tiled roof at the leprosy shed at Arni. 210 (2) Cement flooring of leprosy sheds at Ambur and Arni at Rs. 20 each. 40 (3) Construction of a leprosy shed at Kovilur. 300 The remaining amount of Rs. 60 will be utilized towards payment of Rs. 350 promised for the construction of a leprosy shed in the compound of the American Arcot Mission Hospital, Vellore, the balance being met from the private donations collected by the District Leprosy Council.
10 Tanore	6,062 8 0	6,062 8 0	(ii) Alangayam, Cheryyar and Mamandur—in progress. (iii) Wandiwash and Tirupattur—awaiting Government approval.	
11 Trichinopoly	3,000 0 0 3,676 0 0 2,000 0 0	300 0 0 3,830 11 0 ..	Paid to Rev. Mother St. Ann's Leprosy Hospital, Kumbakonam, for Women's ward. For improvement of existing leprosy shed at Government Mayavaram Hospital. For the construction of sheds at Jayankondam, Thogamalai, Kullitalai and Arayarkuchi. Paid to Collector for sheds in Trichinopoly Municipality.	
12 Madras	3,000 0 0 12,006 8 0	5,384 6 6 ..	Paid to the Collector for ward at Dayapuram Leprosy Hospital, Manamadurai. Paid to the Honorary Secretary, District Red Cross Branch, Madras, for the construction of a model leprosy clinic in the premises of the Government Headquarters Hospital at Madras. Approval of Government to estimate awaited.	The excess expenditure was met out of the sum of Rs. 2,829-12-7 contributed by the mission to leprosy.
13 Rannad	3,200 0 0	3,200 0 0	Paid to Collector for ward in Dayapuram Hospital, Manamadurai.	
14 Tinnevely	8,262 8 0	1,277 6 0	Out of the sum of Rs. 2,600 paid to the Executive Engineer, Tinnevely Division, for the construction of waiting sheds at the Government hospitals at Palanacottah, Tuticorin, Nanguneri and Tenkasi the sheds at Palanacottah and Tuticorin have been completed at a cost of Rs. 627-6-0 and Rs. 650, respectively. A sum of Rs. 3,990 is being utilised by the District Board, Tinnevely, for the construction of leprosy clinics at Panagudi, Srivalkuntam, Koyibatti Sankarankoil and Sivagiri. Paid to the Collector for sheds at twelve places.	Excess of Rs. 154-11-0 was met from the General Funds of the District Leprosy Relief Council. Since the Trichinopoly Municipal Council has declined to have any leprosy sheds within the Municipal area the amount will be utilised for District purposes for sheds at Pullavani and Perambalur.
15 Salem	20,000 0 0	0,226 3 4	Paid to the Collector for Children's Leprosy Home.	
16 Malabar	1,175 8 0	..	Paid to Collector for children's ward in Leprosy Hospital, Cheryyar.	
17 South Kanara	3,660 8 0	5,084 0 0	Paid to Director St. Joseph Leprosy Asylum, Kankandol for extension.	
18 South Arcot	7,478 8 0	3,163 6 0	Paid to the Honorary Secretary, Leprosy Relief Council, Cuddalore, for model clinic. Rs. 4,478-8-0. Balance of Rs. 3,000 utilized for the construction of six leprosy sheds at Gingee, Panruti, Kallakurichi, Trukkoyilur, Nellikuppam and Sankarapuram.	A sum of Rs. 6,226-3-4 has so far been utilised for the purchase of land for the Home at Sankar and the balance will be utilised for the construction of buildings to be taken up in a month or two.
19 Vizagapatnam	5,000 0 0	..	Paid to Collector for a model leprosy clinic at Narasimhapeta and for sheds at Bobbili and Palakota.	It is presumed the excess was met by the Mission authorities.
20 Madras Provincial Committee for Leprosy Relief.	2,182 8 0 5,000 0 0	.. 5,000 0 0	Collector, Vizagapatnam, for leprosy sheds at Tekkali-Palasa and Celingapatnam. For construction of a model leprosy clinic in the compound of the Government Rayapuram Hospital.	Rs. 3,163-6-0 spent for the construction of model leprosy clinic in the Government Headquarters Hospital compound, Cuddalore. The clinic has yet to be furnished and some more improvements have to be carried out. The leprosy sheds at Gingee and Panruti have been completed and payments have to be made to the contractors. Rs. 882 have to be paid for them. The sheds in four other places are being constructed and have to be paid for.
21 Madras Leprosy Relief Association.	10,368 8 0	..	Paid to the Honorary Secretary for construction of a reserve block for Madras City in the Chingleput Leprosy Settlement.	No amount has been utilized so far.
22 East Godavari	7,248 0 0	..	Allocated for model clinic and shed at Peddapuram. Awaiting Surgeon-General's approval.	
23 Kistna	28,051 8 0	..	Allocated towards proposed leprosy colony. Awaiting orders after scheme approved and funds voted by legislature in October.	

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APPENDIX II.

[Vide answer to unstarred question No. 198 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on the 23rd January 1939, page 417 supra.]

Statement I.

Statement showing the amount spent on the tanks in Kurnool district since 1930 talukwar.

Taluk.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
Kurnool	1,251	50	308	305	406	586	2,226	4,021
Nandikotkur	8,001	2,606	9,324	3,338	794	1,767	6,068	3,442
Nandyal	1,429	2,955	1,928	4,247	2,924	3,268	17,953	6,173
Sirvel	4,162	3,450	2,952	3,077	4,812	5,136	8,727	5,499
Koilkuntla	1,821	1,417	745	3,525	2,001	3,947	3,836	186
Markapur	4,788	6,820	5,164	5,595	5,775	2,408	12,717	8,968
Cumbum	5,905	2,071	3,967	6,299	632	5,143	7,773	6,837
Dhone	4,644	3,710	1,677	2,337	1,615	3,360	6,411	4,878
Pattikonda	6,327	4,790	1,516	901	1,700	5,853	8,941	8,732

Statement II.

Statement showing the tanks abandoned and the reasons for abandonment.

Serial number and name of tank.	Year of abandonment.	Reasons.
1 Janapalala Chintala Cheruvu, Cumbum taluk.	1933	The bund breached twice and restoration was found useless.
2 Adimurthipalli Kunta, Cumbum taluk.	1934	No irrigation for several years. Ryots wanted the abandonment of the tank.
3 Nagula Cheruvu, Dhone taluk.	1933	Bund of tank breached. There was no irrigation and tank-bed was almost patta. Restoration was found useless and ryots were not anxious to restore the tank.
4 Chilla banda tank, Kurnool taluk.	1933	Tank has an ayacut of 7 acres. Maintenance was found costly and unremunerative. Ryots were not anxious of repairs.
5 Mallapalem Patta Cheruvu, Markapur taluk.	1934	Bed of tank porous. No irrigation for several years.
6 Thippamma kunta, Pattikonda taluk.	1931	Tank-bed was transferred to ayan and wet ayacut to dry in 1913. Tank was in disuse for several years.
7 Chakalavani kunta, Pattikonda taluk.	1933	There were only two acres of ayacut under the tank. Maintenance was costly and unremunerative.

All these are minor tanks.

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APPENDIX III.

[Vide answer to unstarred question No. 201 asked by Sri K. V. R. Swami at the meeting of the Legislative Assembly held on the 23rd January 1939, page 419 supra.]

Statement showing the number of borehole latrine seats constructed by local boards from 1927 to 1937.

Year.	Borehole latrine seats constructed.
1927	351
1928	966
1929	1,026
1930	1,164
1931	2,003
1932	1,884
1933	1,572
1934	2,512
1935	1,730
1936	1,451
1937	898

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 24th January 1939.

The House met in the Assembly Building, Chepauk, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Selection and appointment of Sub-Registrars in Malabar.

* 659 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL SAHIB BAHADUR: Will the Hon. the Minister for Revenue be pleased to state—

(a) how many Thiyya Sub-Registrars are there in North and South Malabar; and

(b) how many were selected as Probationary Sub-Registrars from Malabar during the selection held in October 1938 and how many of them were Thiyyas, Nayars and Muslims?

THE HON. SRI T. PRAKASAM:—“(a) & (b) The Government have called for a report.”

Proposal of the District Board, Tirunelveli, to participate in the suit for the settlement of a scheme for the Siviliperi and Singikulam Chatrams.

* 660 Q.—SRI K. P. YAGNESWARA SARMA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether any reference has been made to the Government by the ex-officio President of the District Board, Tirunelveli, that the Board should intervene in a suit O.S. No. 20 of 1938 pending in the Tirunelveli Sub-Court for the settlement of a scheme for the Siviliperi and Singikulam Chatrams on the ground that the Board is vested with the right of superintendence over the chatrams under Regulation VII of 1817; and

(b) whether any and, if so, what orders have been passed by the Government on the same?

THE HON. DR. T. S. S. RAJAN:—“(a) Yes.

“(b) The question is under the consideration of the Government.”

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Policy of Government in regard to the administration of charitable endowments.

* 661 Q.—SRI K. P. YAGNESWARA SARMA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have considered the question of the necessity for the amendment of the law relating to charitable endowments;

(b) whether any representations have been received by the Government on that subject;

(c) whether the Government have arrived at any and, if so, what decision on the same; and

(d) whether the Government will be pleased to enunciate its policy relating to the administration of charitable endowments?

THE HON. DR. T. S. S. RAJAN:—“(a) It is under consideration of the Government.

“(b) Yes.

“(c) & (d) It is under consideration of the Government.”

Prospects of sericulture in the Province.

* 662 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the places within this Province which are fit for sericulture;

(b) whether sericulture prevails to any extent at these places;

(c) if so, to what extent; and

(d) the help given to private agencies, if any, employed in sericulture?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“(a) A statement* giving the information required is placed on the table of the House.

“(b) & (c) The Government have no information except that given in the annual reports of the Department of Industries, Madras, which have been placed at the disposal of the Press.

“(d) The attention of the hon. Member is invited to the annual reports of the Department of Industries, Madras, which give an account of the help given.”

* Printed as Appendix I on page 551 infra.

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SRI K. V. R. SWAMI:—“May I ask whether the Government will call for the information asked for in clauses (b) and (c)?”

SRI B. S. MURTI:—“The answer says that the Government have no information except that given in the annual reports of the Department of Industries, Madras, which have been placed at the disposal of the Press.”

SRI K. V. R. SWAMI:—“My question is whether the Government will call for further information in the matter.”

SRI B. S. MURTI:—“The Government have no further information; any information available is always given in the annual reports of the Department.”

SRI S. NAGAPPA:—“Where there are no private agencies, in order to develop such industries in the Presidency, will the Government take up the question if not in all the places which are fit, at least in a district like Bellary which is backward in each and every respect?”

SRI B. S. MURTI:—“If the hon. Member puts down a separate question, it will be considered.”

Extension of the term of office of the present Fourth Presidency Magistrate, Madras.

* 663 Q.—SRI B. BHAKTAVATSALU NAYUDU: Will the Hon. the Minister for Law be pleased to state—

(a) whether it is a fact that the term of Mr. B. Madhava Rao, as Presidency Magistrate, Georgetown, Madras, has been extended up to the end of June 1939;

(b) whether it is a fact that his term ought to have expired by the end of December 1938;

(c) if the answer to (a) is in the affirmative, what the special reasons are for the extension of his term;

(d) whether it is a fact that the policy of the present Government was at one time to abolish the post of the Fourth Presidency Magistrate, Madras; and

(e) if the answer to clause (d) is in the affirmative, what the reasons are that made the Government change their view in this matter?

THE HON. DR. P. SUBBARAYAN:—“(a), (b) & (c) There is no set term for the appointment of Sri B. Madhava Rao as Presidency Magistrate. He was appointed to act when the permanent Chief Presidency Magistrate went on leave in June 1938, and, on the return of the Chief Presidency Magistrate, the Government continued Sri B. Madhava Rao's services, in the first instance for three months, and again

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for two months, i.e., up to the end of 1938. The object of these extensions was to avoid the *de novo* trial of a number of cases. Sri Madhava Rao's services have been retained until the end of June 1939 because of an extremely heavy case with about 300 witnesses, which would otherwise take up the time of some other Presidency Magistrate to the detriment of his other work.

“(d) & (e) There is no change in the policy of the Government with regard to abolishing the post of the Fourth Presidency Magistrate as soon as possible.”

SRI B. BHAKTAVATSALU NAYUDU:—“What is the age of Sri B. Madhava Rao now? When should he have retired in the usual course?”

THE HON. DR. P. SUBBARAYAN:—“I have not got information about the age of this Magistrate just now.”

Transfer of the bill collectors of the Alanthur Panchayat Board.

* 664 Q.—SRI RAO BAHADUR M. C. RAJAH: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the Inspector of Local Boards and Municipal Councils visited the office of the Panchayat Board, Alanthur, on 30th October 1938;

(b) whether it is a fact that the Inspector of Local Boards and Municipal Councils later issued a notice to the President, Panchayat Board, Alanthur, to show cause why the three bill collectors should not be transferred from the station;

(c) whether it is a fact that the Panchayat Board unanimously passed a resolution stating that in the interests of efficient administration, it would not be proper to transfer all the three bill collectors for the present and communicated this resolution to the Inspector of Local Boards and Municipal Councils and to the Government; and

(d) what action the Inspector of Local Boards and Municipal Councils proposes to take in the matter?

THE HON. SRI B. GOPALA REDDI:—“(a) to (c) The answer is in the affirmative.

“(d) The Government understand that the matter is under consideration by the Inspector.”

Request of the President, Panchayat Board, Alanthur, to hold an enquiry into the alleged misconduct of the District Panchayat Officer, Chingleput.

* 665 Q.—SRI RAO BAHADUR M. C. RAJAH: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the President of the Panchayat Board, Alanthur, addressed the Government for an enquiry into

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the conduct of the District Panchayat Officer and for sanction to prosecute him in view of the disclosures made in the statement of the bill collectors, which was duly forwarded to Government; and

(b) what action the Government have taken in the matter?

THE HON. SRI B. GOPALA REDDI:—“(a) The answer is in the affirmative.

“(b) The Government declined to accord sanction to prosecute the District Panchayat Officer.”

SRI E. KANNAN:—“May I ask the reasons why the Government did not accord sanction to prosecute the District Panchayat Officer?”

THE HON. SRI B. GOPALA REDDI:—“Because there were no grounds to prosecute the District Panchayat Officer.”

UNSTARRED QUESTIONS

Import of goods made of steel and iron.

205 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the various articles made of iron and steel imported into this Province from other places;

(b) what the quantity and value of each of such articles are; and

(c) the place or places from which each such article is imported?

A.—(a) to (c) A statement^a giving the information for three years (1934–35 to 1936–37) is placed on the table of the House.

Present stage of the Tungabhadra Project.

206 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Public Works be pleased to make a statement as to the stage at which the Tungabhadra Scheme stands?

A.—A conference of the representatives of the Madras and Hyderabad Governments was held at Madras on the 6th and 7th November 1938. At this conference an agreement was reached regarding the feasibility of a partial utilization of the Tungabhadra waters, without going into the larger question of the rights of the Governments concerned, in the river which would involve almost interminable disputes. The formal ratification of the Hyderabad Government to the agreement is awaited.

^a Printed as Appendix II on pages 552–559 infra.

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Decision, if any, in regard to the site for the construction of a bridge across the Cauvery near Karur.

207 Q.—SRI R. MARUTHAI: Will the Hon. the Minister for Local Administration be pleased to state whether the Government have come to any conclusion regarding the selection of the site for the construction of a bridge across the Cauvery near Karur?

A.—The Government have decided that the bridge across the Cauvery should be constructed near the present Pugalur-Velur ferry crossing.

Amount spent by and due to Government on account of the purchase and allotment of house-sites to Harijans.

208 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the total amount invested by the Government until now for the purchase of house-sites for the use of Harijans; and

(b) what the total amount due from them under this head is?

A.—(a) The total amount invested up to 31st March 1938 is Rs. 19,31,438.

(b) Figures are not readily available, but the balance still to be collected from the grantees out of the instalments fallen due up to 30th September 1938 is Rs. 98,175 under principal and Rs. 70,704 under interest.

Annual value of sea-fish available in this Province for consumption.

209 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state with respect to question No. 621, what the approximate average value is of the fish annually available in this Province for consumption—taking 1925 to 1935 into consideration, so far as sea-fish are concerned?

A.—The average annual value of sea-fish landed on the West Coast in the years 1925 to 1935 is approximately Rs. 39,56,160. Statistics in respect of the East Coast are still under compilation.

Retention of the Government Headquarters Hospital at Ramnad.

210 Q.—SRI U. MUTHURAMALINGA TEVAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the Government Headquarters Hospital now located in Ramnad is proposed to be removed to Sivaganga;

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(b) whether there has been any mahazar submitted to the Government by the residents of Ramnad taluk objecting to the said proposal; and

(c) if the answers to the above two clauses are in the affirmative, at what stage the proposal stands and whether, in view of the reasons urged in the said mahazar, the Government will have the proposal dropped?

A.—(a) It is proposed to convert the Government hospital at Sivaganga into a District Headquarters hospital and to move the headquarters of the District Medical Officer, Ramnad, to Sivaganga. The Government Hospital at Ramnad will however continue to have its present staff.

(b) The answer is in the affirmative.

(c) The matter is under consideration.

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

II.—MOTION UNDER RULE 17 OF THE MADRAS LEGISLATIVE ASSEMBLY RULES.

* THE HON. SRI C. RAJAGOPALACHARIAR:—“Sir, as regards to-morrow, I should like to submit that it will not be desirable to interrupt the discussion on the Report of the Madras Estates Land Act Committee. If you, Sir, and hon. Members have no objection, I should like to move that to-morrow be taken for Government work so that this debate may not be interrupted. But there are two non-official Bills, one for introduction only and the other will have probably to be submitted for consideration by a Select Committee. I have no objection, if it is considered necessary, to give opportunity for considering those two Bills to-morrow; it will take only a few minutes. Apart from the consideration of those two Bills, I should request that the House should consent to to-morrow being given for Government work, so that this debate may not be interrupted. I therefore beg to move formally—

‘That rule 17 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Wednesday, the 25th January 1939.’”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Mr. Speaker, this is a partial encroachment on the privileges of members of this House. I am sorry that the Hon. the Leader of the House should take away these non-official days from time to time. We have complained about this matter many times. 18th January ought to have been a non-official day; in view of the fact that 25th January will be a non-official day, we did not have non-official business transacted on the 18th of this month. This is, to say the least, improper. The Hon. the Leader of the House

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was kind enough to say that the two non-official Bills might be taken up to-morrow. Then the motion moved by him now, is not in order. The motion that rule 17 of the Assembly Rules might be suspended in order to enable the Government to transact their business is not in order, if it is also stated that non-official business also can be transacted to-morrow. But this can be done; to-morrow may be taken up for non-official business and we might agree to postpone the remaining *non-official* business after a certain stage and then take up official business. Official business can be taken up at any time on a non-official day. We may agree for that proposal. . . ."

MR. SPEAKER:—"It comes to the same thing; after the two non-official Bills are disposed of, we can take up official business."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"If non-official business is to be taken up to-morrow, there is no necessity for the Hon. the Leader of the House to move the present motion; at any stage to-morrow, we may take up official business."

MR. SPEAKER:—"We all understand what business will be taken up to-morrow."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I submit that the motion of the Hon. the Leader of the House is not in order, if to-morrow is to be a non-official day and if we decide to take up official business after we finish the two non-official Bills."

MR. SPEAKER:—"The consideration of the Report of the Madras Estates Land Act Committee is also non-official business. The Joint Committee's Report is being considered; it is as much non-official business as official; it is not Government business."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"My argument is still further strengthened. If the consideration of the Report is also non-official business, we can continue to transact non-official business to-morrow also . . ."

MR. SPEAKER:—"We should make it clear to hon. Members that only this Report will be considered to-morrow and nothing else."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I submit that this motion will not be in order if we are going to take up non-official business to-morrow."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, this is not the first occasion when we have to make representation in this House not to curtail non-official days; last week we lost one non-official day, thinking that non-official business would be taken up to-morrow. I do not think there is any necessity to take away the non-official day. Even from the point of view of Government work, the Hon. the Leader of the House

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will see that there is no necessity to give up non-official work to-morrow. As has been pointed out to you, Sir, even the Hon. the Leader of the House has no objection to the two non-official Bills being taken up to-morrow. Apart from these two Bills, I now understand that there are two non-official resolutions only on the agenda. All the non-official business may not take up a long time of the House to-morrow. To-morrow may be a non-official day and we can first finish all the items on the agenda; then we may take up official business. That will be the most proper and right course; this will not in any way interfere with the progress of the discussion on this Report."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I am sorry, Sir, that this has taken so much time. It is entirely a wrong view to take that the privileges of the House are different from those of the Government. The House is represented by the Government and the Government do represent the House. If the Government have business on some matters, the House also is interested in it. Government business is going on to-day. The question is whether this should be interrupted, and whether to-morrow should be taken up by discussion of other general matters. . . ."

MR. SPEAKER:—"It is all a chance that the Chairman of the Madras Estates Land Act Committee happens to be the Revenue Minister. Suppose I had appointed a non-official as the Chairman of the Committee, he would have made the same motion that the Report of the Committee be taken into consideration."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"There is no substance in the opposition to my proposal. What you have stated, Sir, is true. Apart from that, I submit that it is not right to imagine that the Government deny the privileges of the House if non-official business is not taken up on a particular day. Generally Wednesdays are given to the transaction of non-official business. If, on the whole, the whole House is more interested on a particular business, I submit it is fair that the Government should ask the permission of the House uninterruptedly to continue its discussion; if non-official business is taken up, it will interrupt the debate. . . ."

MR. SPEAKER:—"The Report under discussion is much more important than those two Bills."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I do not want more extreme action than what is just necessary. I think there should be no objection to my motion since all hon. Members are interested in the discussion of this Report. It is therefore desirable that we should continue the discussion of this Report to-morrow. I therefore press my motion."

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MR. SPEAKER:—"Those two Bills will take up much of the time of the House."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"In spite of what has been stated on the other side, I submit that it is necessary and desirable that I should make this formal motion and that we should have to-morrow for Government business."

3-15 P.M. * KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Permit me, Sir, to make a representation to you particularly in view of the observation which has just been made by you, Sir. No doubt, you characterized the discussion that is now going on as non-official business; I do not. . . ."

MR. SPEAKER:—"I did not say 'non-official'; I said it is as much non-official as official. You are as much interested in this discussion as in the discussion of non-official Bills or resolutions. The only accident was that I appointed the Hon. the Revenue Minister as the Chairman of the Committee."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Not only this House but the whole country is interested in this discussion, it is true. We are all very anxious not to stand in the way of the peaceful discussion of this Report in a good atmosphere; but that should not in any way deter hon. Members from discharging their duties in this House. You may know, Sir, that non-official days are very rare things here; after all, we may not get more than four or five non-official days in a whole year. We may be a minority in this House, Sir. There may be one who may be in a minority of 1 out of 215 in this House; there may be a solitary representative here representing his constituency in this House, in the full hope that this House is not presided over by a partisan, not by a person belonging to one party or another, but by a person who is there to protect the liberty of any individual member. . . ."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I beg your pardon, Sir. The whole thing, if I rightly understand the rules, seems to be based on a misapprehension. It is the privilege of the House to pass a motion of this kind; and no question of partisanship arises here. It is highly improper, I submit, to continue such a discussion as this."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, I should like first of all to clear a misunderstanding. If I used the word 'partisan' I did not mean any offence to anybody at all."

MR. SPEAKER:—"Who is the partisan? To whom does the word 'partisan' apply, I want to know."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"To nobody does it apply."

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MR. SPEAKER:—"Who is the member to whom it applies?"

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I say that it does not apply to the Speaker, and that is what I was going to say. What I said was that the question of the privilege or the right of the members to have a non-official day, even if there be only a single non-official member sitting on this side, is a question regarding which he can appeal to the Speaker or the Chair, who is the custodian . . ."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I say 'to the House' and not to the 'Speaker.'"

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I have not got a very careful recollection of the rules."

MR. SPEAKER:—"I would like to invite the attention of the hon. the Leader of the Opposition to rule 64 which runs thus:

'No member except a member of Government or the Leader of the Opposition or a member moving a Bill or a no-confidence motion in the Ministry or a particular Minister shall speak for more than 30 minutes.'

If only that thirty minutes' rule is observed, I could finish the whole discussion of this Report to-night. I have not, however, imposed any time-limit for the hon. Members. We could have finished the whole discussion yesterday and to-day. As a matter of fact, hon. Members who were entitled only to thirty minutes, have been allowed two hours, one and a half hours, one hour and so forth, because I consider this is a very important matter in respect of which full time should be allowed to non-Government members as well as to others, who are ordinarily entitled to speak only for thirty minutes. Hereafter, however, I think I must stick to that rule. That means that some members who may speak on the Report to-day may not speak for one hour or more; I have not found any member of the House who has come to me for permission to speak asking for anything like half an hour. If we want to close this discussion, there must be some time-limit or other. The hon. the Leader of the Opposition may know that this motion is moved so that we may have one more day for the discussion of this Report. If necessary, we shall continue the discussion the day after to-morrow; only, before the Legislative Council meeting begins, we must finish the consideration of this Report, if possible. There is therefore nothing wrong here. The Chair has shown every indulgence to every member of this House and given full time for discussing this Report."

* SRI G. KRISHNA RAO:—"On behalf of the landholders, I thank you, Sir, very much for this great consideration that you have shown in allowing members to discuss the Report at length."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, I thought that we could come to a compromise on this question by the Government agreeing to have the non-official day

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to-morrow, and ourselves agreeing to finish the non-official business in as brief a time as possible and then allowing the discussion of the Report to continue. We have absolutely no objection to that course; but at the same time we are as much jealous of our rights as the Hon. the Leader of the House is."

MR. SPEAKER:—"There is no question of rights here. There is no invasion of any rights. I will not allow any invasion of the rights of the House by any member of this House or even by the whole Government; but the Government are also interested in the preservation of the rights of the House as every hon. Member of the House is interested."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Inasmuch as the motion has emanated from the Leader of the House, I cannot say that it is an infringement of the rights of the House; but all the same, a non-official day is being taken away. If, as was stated, both the Government day and the non-official day are the same . . ."

MR. SPEAKER:—"The hon. Member will understand that once when non-official work was taken up, I allowed non-official business which would have taken four non-official days to be transacted on that day, and we sat till 9 o'clock in the night and finished the whole thing. It was considered very important at that time. So, it is the importance of the business that has to be considered in such cases. We have now before us the Estates Land Act Committee Report; it is a very important matter, as the hon. Leader of the Opposition has agreed. We must therefore save every minute of the time of the House for discussing this Report. I think Mr. Hameed Khan will certainly agree that we may even suspend question-time to-morrow and the day after, if necessary, in order to enable us to continue the discussion of this Report. But I have not so far proposed it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I do not think, Sir, that it prevents the Hon. the Speaker and the Hon. the Leader of the House agreeing to have non-official business to-morrow as long as it is necessary and then taking up the Report."

MR. SPEAKER:—"That means that, supposing the motion for referring the Bill to a Select Committee is taken up for consideration, it may take even two hours. How can any hon. Member be prevented from speaking? The Devadasis Bill is an important Bill, and every member may make up his mind to speak on it. So, we shall have a special day for that Bill."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"In this session, Sir?"

MR. SPEAKER:—"I want to finish it, if possible, to-morrow, or at least on the 26th."

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* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Will there be a special day for this purpose in this session?"

MR. SPEAKER:—"Or we shall have it in February, immediately after the general discussion of the Budget."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, we are very grateful to you for the indulgence you have shown to the members of this House in allowing them sufficient time to speak on the Estates Land Act Committee Report now before the House. We very much appreciate your kindness, but that is a different matter; and that should not in any way interfere with the consideration of the motion which the Hon. the Leader of the House has just now put before the House, i.e., whether we should have to-morrow as a non-official day. I think, Sir, the suggestion made by my hon. Friend Mr. Hameed Khan is a very reasonable one, i.e., that we should sit to-morrow for the transaction of non-official business and then after finishing it, continue official business, i.e., the discussion of this Report."

MR. SPEAKER:—"I suggest to the Leader of the Opposition, in view of the importance of the Devadasis Bill, that we may take it up on a separate day, instead of hurrying it through, say, in an hour or an hour and a half. It is not desirable to take it up to-morrow; it is an important Bill in which the public are interested. I want to give a full day to it."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"There is also a resolution on the agenda for non-official business, regarding land revenue assessment in Malabar. I know there is a very strong feeling on the part of some members, particularly those coming from Kerala, that that resolution should be taken up to-morrow. I do hope, Sir, that you will see the reasonableness of their request and the Government also will see the reasonableness thereof and allow this resolution to be taken up to-morrow. I sincerely trust that the Hon. the Leader of the House will agree to have to-morrow as a non-official day."

MR. SPEAKER:—"Is that the only resolution on the non-official list to-morrow? I do not want the Devadasis Bill to be taken up to-morrow, because I think it will take a very long time. I do not want to curtail the time for its discussion on account of the necessity to discuss this Estates Land Act Committee Report."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, though personally I am not for this bargaining, anyhow, as a compromise, I have no objection to our not taking up the Devadasis Bill to-morrow. I understand from Mr. Hameed Khan that he has given notice of a Bill and that he wants to move it to-morrow; probably that will not take up much time, as it is

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simply to be introduced. There are two resolutions, and they may be taken up after Mr. Hameed Khan's Bill is introduced. I do not know the names of members of the House who have given notice of the resolutions. I, however, leave the matter to you, Sir."

MR. SPEAKER:—"Miss Ammanna Raja has given notice of the Devdasis Bill; I think she will make a fairly long speech."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I leave the matter to you, Sir."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"On the whole, after having had the benefit of all the opinions of the leading members on the other side, I am sorry to say that I must press the motion that to-morrow be taken up for the transaction of Government business."

MR. SPEAKER:—"Does the Hon. the Leader of the House think that the resolution on Malabar land revenue assessment can be taken up to-morrow?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"There may not be sufficient time, Sir. It will take a long time, I imagine, and it is a question of disturbance to the present debate. That is a cognate subject, and a cognate subject generally confuses us more than a different, separate and distinct subject. That is why I do not think we could take up such a resolution at this stage."

MR. SPEAKER:—"Can we not take up that resolution, after the discussion of this Estates Land Act Committee Report is over?"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Yes, we may; but there again, if I have to go into that subject now, by way merely of explanation, I may say that we have got this subject again on the 27th in the other House, i.e., the discussion of the present Report. And the Hon. the Revenue Minister will certainly be wanted there. On the whole, in spite of all that has been said on the absolute rights and privileges of members, etc., it is very inconvenient for all sides interested in things like this; and I request earnestly that this debate may be concluded now first; and if it is prolonged indefinitely, it will overlap on the 27th also. I submit it is not a good arrangement at all. It will make things difficult for Government as well as for hon. Members."

MR. SPEAKER:—"Who has given notice of the land revenue assessment resolution?"

* SRI R. M. PALAT:—"I have given notice of it. There is no use putting that resolution off, Sir, because, if it is to be taken up at a later stage, by that time all the assessment would have been collected, and there would be no use then in taking up that resolution. Again, Sir, we have had a break of a day during the

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discussion of this Report, i.e., last Sunday. Therefore, we may as well have another break to-morrow in the discussion of the Report, just like the break last Sunday."

MR. SPEAKER:—"If hon. Members wanted it, we could have sat on Sunday also."

* SRI R. M. PALAT:—"Quite so; but what I want to say is that the point put forward by the Hon. the Leader of the House that we should avoid a break has no force at all."

* KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"May I know whether if we finish the consideration of this Report to-morrow, we are not going to have any non-official day during this sitting? I should like to know what the Hon. the Leader of the House has to say?"

MR. SPEAKER:—"There is no sacrosanctness about Wednesday; non-official work can be taken up on any day. Wednesday has been fixed, only for convenience, as a non-official day."

SRI D. V. RAMASWAMI:—"May I suggest to the Hon. the Speaker the desirability of having a night session, so that non-official work also may be taken up, in order to satisfy those who want it?"

MR. SPEAKER:—"If hon. Members think it convenient to sit after 7 o'clock, we can have a night session. I have no objection to sit; but the younger members of the House are not willing to sit after 7 o'clock. (Laughter.) That is the difficulty. So, I take it, that after the discussion of this Report is finished, we shall take up the Malabar land revenue assessment resolution. This discussion will continue from day to day until it is finished. I do not want it to be interrupted by any other business, official or non-official. This discussion will lose its interest and its value in that case; and I do not think we should interrupt this discussion at all. If hon. Members are, however, willing to sit we shall have an all-night session either to-day or to-morrow. (Laughter.) Are all the hon. Members prepared?"

(Cries of 'No, no.')

MR. SPEAKER:—"We shall sit from 9 o'clock."

(Cries of 'No, no.')

MR. SPEAKER:—"Then, I will formally put the motion to the House. The question is—

'That rule 17 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Wednesday, the 25th of January 1939.'"

The motion was put and carried.

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III.—REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY
COMMITTEE.

MR. SPEAKER:—"Mr. Chandramouli will now continue his speech."

3-30
p.m.

* SRI K. CHANDRAMOULI:—"Mr. Speaker, yesterday I was explaining to you that according to the Hindu conception of Dharma the king cannot change the law or alter the law, but the king has only to administer the law according to Dharma. So, the king was subject to this Dharma and he acted according to the limitations and conditions imposed therein. So, what the king got was only a tax and there was a fixed limit to his demand. The real owner was the cultivator and his right of ownership over the land has been recognized even by the Muhamadan Rulers, and even they did not change this conception; probably, the only change was the alteration in the rate.

"No one says that the Permanent Settlement Regulation did not purport to alter the rights of the parties then existing in the land. In fact even the Government have no such right. If that is so, how could the Government give any interest in the land to the zamindars, since the Government themselves have no such right from time immemorial?

"Then again, Sir, there is a limit to even the king's share in the produce. So, there must also be a limit to the zamindar's share of the produce, because he cannot get higher rates than the Government themselves get. The right of the Government is only to alter its rate from time to time below a fixed limit according to the necessities of the State, and the zamindars were not entrusted with the rights of the Government in the zamindari areas. Therefore, the zamindars cannot claim to alter the share or interest in the produce. And whatever rate the zamindar was entitled to at the time of the Permanent Settlement is unalterable and could not be changed by the zamindar. The right to ask for a further contribution from the zamindari ryots for necessities of the State is still vested in the Government and they can bring in any legislation for that purpose.

"Sir, even at the time of the Permanent Settlement Regulation XXV of 1802, the words used were 'proprietary right' and because that term was used in the Regulation, the zamindars claimed proprietary interest in the soil, though they had no such right and could not have had such right up to the time of the Permanent Settlement. This was made clear in the Regulation IV of 1822 that the provisions of the Permanent Settlement Regulation were not meant to define, limit, infringe or destroy the actual rights of any description of landholders or tenants. So, even after the Permanent Settlement, the position of the zamindar was not in any way higher than what it was before the Permanent Settlement. We have already proved that

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the zamindars or even the Government were not the proprietors of the soil. Clause 14 of the Permanent Settlement Regulation insists on the zamindars entering into agreements with the ryots and granting pattas defining the terms of the tenancy existing at that time. Once this is done, how can it be altered at any time? This is what is amplified in Patta Regulation XXX of 1802. The Patta Regulation indicates that the motive behind the Permanent Settlement Regulation was the security of the tenant or the cultivator. This is the main object of the Permanent Settlement Regulation. This state continued till it was disturbed by the High Court Judges who were strangers to the customary law in India. These European Judges were not familiar with the customary laws of individuals and that resulted in disturbing the state of affairs. So, there is no injustice in giving to the tenants what is their due and probably they have a right from the zamindar to compensation for the expropriation of the tenants' rights in the meanwhile. The zamindars might be under the impression that they were the real owners of the soil and that was the reason for the misleading judicial decisions and ill-considered legislation at that time.

"There is also another complaint brought forward, and that is that the zamindars have not made improvements to irrigation sources, such as tanks, forests and such other things. I say the zamindars have no right even over the forests, tanks and other minor irrigation sources, because the zamindars are only mere collectors of rent, but not the owners of these tanks, forests, etc. That is why, probably, they have not made any improvements to the tanks. I do not blame them for it. My main contention is that he has neither the right of ownership nor the right to enhance the tax, nor to interfere with the rights of the ryot over the forests, tanks, etc. Had he allowed the ryot to make improvements and repairs, there would have been plenty of food and prosperity to the ryot and the country would have been in a far better position to-day.

"The only thing which I wanted to impress upon this House through you, Sir, is that these were the facts that have been brought forward so elaborately in the Report which has been produced by the Committee. The Hon. the Revenue Minister has only brought out the hidden facts and the hidden truths. I wholeheartedly support the motion moved by the Hon. the Revenue Minister and I appeal to the House to give its unanimous support to the resolution."

* MR. W. K. M. LANGLEY:—"Mr. Speaker, before I make any observations on this very important Committee's Report and the proposed Bill, I should like to make it plain that I must not be regarded as necessarily expressing the views of all Europeans in this Presidency. I think the House is probably

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aware and it has been said that every Englishman is born either a Liberal or a Conservative and when it comes to matters affecting the ownership of land there has always been a sharp cleavage between these two schools of thought. Although Europeans in this country are generally united in watching over their own legitimate interests in this country, it does not follow that they all hold the same views on matters affecting land tenure. In fact on this subject we probably have as many different opinions as the Congress party has on most subjects. That is not to say that I myself do not hold exceedingly strong views as I shall endeavour in the course of my remarks to show. I feel justified in asking the House to permit me sometime in this debate, seeing that the constituents I represent, who incidentally are not confined to Europeans, represent the nearest you are likely to get in this country to the ideal user of land. The great majority of them are people who have taken up large tracts of hitherto unused and apparently unusable lands in inaccessible and frequently unhealthy tracts, which they have then proceeded to develop themselves, being backed with adequate capital without which no land can ever be properly developed. They have thereby increased the economic wealth of the country and have provided work for many thousands of labourers at very much better wages and usually under better conditions than obtain in their own villages. In fact they represent the best example of a landowner using his kudivaram rights. If some of our zamindars had used their own land in much the same way this Report might conceivably never have been written and any way would have been written in very different language.

"The three great passions which govern men's hearts in this world are religion, land and the opposite sex. And my own observation leads me to believe that the strongest of all these passions is man's hunger for land. In fact the first recorded murder in the world, so far as we Christians know it, seems to have been connected with some jealousy in the matter of a payment of kist. It is inevitable therefore that the revolutionary proposals made by this Committee must arouse very strong feeling both for and against. Although, therefore, much of the language used in the Committee's Report would justify a fairly hot reply, I will endeavour to make my remarks as objective as possible. I start with the advantage of an entirely fresh mind as regards this subject, my experience as far as the land system of this country is concerned having hitherto been confined to Malabar. And I would like to remark at the outset that I can see no justification for assuming that any land system must continue for all time; in fact history teaches us otherwise. Some of the methods by which great land owners have obtained their possessions are indeed as questionable as the way in which Empires and Kingdoms have been created. I feel therefore that there is

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nothing absolutely sacrosanct about the ownership of land and it is for the owner to justify the continuation of his privileges. But like most Conservatives, I prefer the system of evolution, as a sudden change in an old established system creates hardships and upsets the order of things in such a way that frequently the effects are more felt by the general body of the community than by some particular person at whom such changes are aimed. Now I have very little doubt that abuses have sprung up in connexion with the zamindars' system and it is not very hard to see why. Following the example of many of the Rajas in this country there is too much absenteeism which means lack of attention to one's estate and extravagances, which in the long run mean that the estate is neglected and not properly looked after, the land gets into the hands of tenants who do not cultivate and finally the actual cultivator is the man who suffers. This state of things is unfortunately not confined to this Province or to India. But that does not justify revolutionary proposals such as those put forward in this Committee's Report. I think there is little doubt that abuses have crept into the ryotwari system, just as I have suggested that they have crept into the zamindari system: also it does not follow that the present method under which each system is worked is ideal for present conditions, whatever may have been the case a hundred years ago. There are also large questions such as the question of land purchase; but perhaps above and beyond all these questions is the system which has crept into this country to such a large extent, inevitable perhaps seeing that fields of investments have hitherto been so limited, of middle-class men investing in land, that is to say, becoming the nominal ryot under the zamindar or Government as the case may be and then sub-letting the land to the actual cultivator. This system by which a middle man takes a profit out of the land, frequently a larger profit than the zamindar himself, is surely much more indefensible than any of the alleged abuses which have been brought forward in this Report. I have heard it stated by those who should be in a position to know that the proportion of such middle-men in the zamindari areas is probably as high as 40 per cent of the available land while in the ryotwari areas I should imagine that it is even higher. Now these gentlemen who pass under the misnomer of ryot have the advantage of being exceedingly vocal and I suspect that if it were not for their existence, we should hear much less of the alleged grievances of the poor ryot.

"Now surely in all these circumstances the proper attitude of a Government inspired by the high ideals that we know the Hon. the Premier to possess, would have been to conduct an impartial and comprehensive enquiry into the whole land system of this Presidency and correct abuses where they exist. But to take just one class of landowner and proceed by the simple process of dispossessing him and giving his land to somebody else

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is not statesmanship but simply plain confiscation. It is for this reason mainly that I, and I think most of those associated with me, must oppose the conclusions of this Report and the proposed Bill, just as we shall oppose anything put forward by the Government which is plainly of a confiscatory or expropriatory nature unless of course it includes adequate compensation for those expropriated. When the Justice Government was in power, we were the first party to protest against the provisions hastily put into the amending Estates Land Act of 1936, which we considered were an act of injustice to the inamdars; and in the same way we must oppose the present proposals which are out of all comparison to the treatment of the inamdars in 1936.

"Now let us turn to the composition of this Committee and its methods. I have no particular complaint about the personnel of the Committee. It is natural, things being as they are, that the present Government should have a clear majority on the Committee; but even so the indications are that the dish which the Committee eventually produced was stronger meat than at least one Congress member of the Committee was able to digest, which in itself is significant. The first complaint I have to make about the proceedings of the Committee was the unusual arrangement by which not only was the Revenue Secretary not made the Secretary of the Committee, but actually seems to have been very largely excluded from the enquiry which took place: and if the Revenue Secretary was so excluded, it is reasonable to assume that full use was not made of the records in the possession of the Revenue Department many of which must cancel out the records on which the Committee has relied. I think some very clear explanation is required about this action of excluding the Revenue Secretary and, I hope also, some assurance from the Hon. the Premier that in future, Committees formed by this Government will follow the more usual procedure and associate the Secretariat concerned very fully with any such commission. Instead of this salutary arrangement, what happened? A Secretary was appointed in the person of the exceedingly clever gentleman who usually answers questions in this House on behalf of the Hon. the Revenue Minister. I have no doubt that this gentleman represents an extreme point of view in connexion with the zamindari system and I also have no doubt that the greater part of this enormous Report with which we have been presented was inspired and written by him."

SRI T. VISWANATHAM:—"Mr. Speaker, let me deny that at once."

* MR. W. K. M. LANGLEY:—"I fully accept the statement that the Report was not inspired by the hon. Member."

MR. SPEAKER:—"Not even prepared by him. He denies it *in toto*."

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* MR. W. K. M. LANGLEY:—"I thought it must have been written by him."

MR. SPEAKER:—"It is not so."

* MR. W. K. M. LANGLEY:—"Any way it is a very fine Report and it does great credit to him. It is certainly a monument to his industry, but it cannot be said to represent the dispassionate presentation of the evidence which might have been expected from an impartial Secretary. In making these remarks I hope it will not be supposed that I am suggesting that the Hon. the Revenue Minister took no part in these labours. We know he must have done as King Charles' head inevitably gets into the Report in the shape of Chapter IX of that well-known bee in his bonnet, the Exchange and Currency Policy of the Government of India. I think I might deal briefly with that particular Chapter before I go on to my other remarks. There is no necessity to go over all the old ground covered by the hon. Member in this Chapter as it is the same fustian stuff that we have listened to *ad nauseum*. In the first place I should like to remark that any attempt to show that a high level of the rupee means low prices for ryots' produce and vice versa is completely upset by a comparison of the figures over a number of years: in fact when the rupee soon after the War stood at the highest figures known to those now living, the price in this country of rice and other crops produced by the ryot stood higher than they have done within living memory. Now I myself represent in this House a large body of agriculturists and on the whole this body has always been in favour of a lower ratio for the rupee, although this support on their part has undergone some change since Sterling went off the Gold Standard and introduced an entirely different factor. Now it is generally admitted, I think, that a reduction in the rupee ratio would have the immediate effect of slightly raising the price of agricultural products in this country; but the world has a way of adjusting itself in matters of prices and this immediate effect would very soon be nullified. On the other hand, agriculturists would immediately have to pay more for everything that they use, including of course all their farm implements, clothing and so forth; but—and here is the main point—the one person who would get no benefit whatever out of the adjustment, but on the other hand would straightaway be worse off, would be the agricultural labourer representing the great mass of the populace in this country. Inevitably his wages would stay the same and would only gradually rise, even if higher prices for agricultural products were to continue, and they would naturally never rise in proportion to such rise in price. The advocates therefore of the lower ratio, while they would no doubt benefit many millionaire gamblers in the big cities, would undoubtedly be doing a great disservice to the poorest classes in the country."

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“ Let us now consider the methods followed by this exceedingly industrious Committee. It seems to have resolved itself into a peripatetic commission hunting for witnesses who may be ready to testify to the evils of the zamindari system. We all know how easy it is to obtain such evidence, especially when the witnesses think they will secure some material benefit. But apart from this, the Committee representing a Government, flushed with success at the last elections and eager to take its revenge on those whom it regarded, probably correctly, as its principal opponents, could naturally count on any quantity of assistance. May I be allowed to quote a brief passage on this point from one of Macaulay's Essays?

‘ Some of our readers may have seen, in India, a cloud of crows pecking a sick vulture to death, no bad type of what happens in that country, as often as fortune deserts one who has been great and dreaded. In an instant, all the sycophants who had lately been ready to lie for him, to forge for him, to pander for him, to poison for him, hasten to purchase the favour of his victorious enemies by accusing him. An Indian Government has only to let it be understood that it wishes a particular man to be ruined; and, in twenty-four hours, it will be furnished with grave charges supported by depositions so full and circumstantial that any person unaccustomed to Asiatic mendacity would regard them as decisive.’

“ Macaulay indulged in the language of hyperbole, but making allowances for literary exaggeration, can it be doubted that most of those who gave evidence to this Committee felt that the zamindars were the beaten side and that they would stand well with their opponents if they supplied the evidence required? This being the case I confess to extreme doubt as to the reliability of a great deal of the evidence put before us in this Report. However, I need not labour this point as it has already been sufficiently exposed in the striking dissenting minute of the Zamindar of Mirzapuram.

“ Let me now turn to the main conclusions of the Report itself. This Report as I have already remarked is a monument of industry and at the same time, owing to the authorities it cites, is a most interesting historical document, but like most history, seems to be entirely fallacious. The premises may or may not be correct but the conclusions, to a plain man like myself with no preconceived notions on the subject, seem to be at entire variance with the premises. I claim an average quantity of intelligence and I think I know something of the minds of my countrymen and if there is one thing more clear than another which seems to me to arise out of the fascinating minutes, State papers and Regulations which abound in this most entertaining volume, it is that the authors of the Permanent Settlement quite clearly established the zamindars the proprietors of their lands. It seems quite clear that most of the zamindars included in the Permanent Settlement were already in large measure the full owners, and, in fact, in some cases, the sovereign owners of their possessions. It stands out as clear as crystal what the intentions were of Lord Mornington

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and his associates in the instructions that they issued to Collectors on the 4th of September 1799. In those days when like everybody else Englishmen were wiser than they are now-a-days, they were great believers in the value of large estates as the best method of improving the land and obtaining the fullest possible production of the fruits of the land. At the same time they had to secure adequate revenues to the Government and also abolish a bad system where all sorts of petty and corrupt officials were harassing the cultivators and at the same time failing to secure a regular revenue for the sovereign power. They therefore devised this Permanent Settlement in the first place to secure an adequate revenue to the Government for all time and fixed the peshkash at a reasonable figure in the firm belief that thereby the zamindars who, in these instructions are referred to again and again as the proprietors of the soil, should be able to secure an adequate income for themselves, which it was hoped they would spend in the improvement and development of their estates. It is not for me at this stage to discuss to what extent this hope has been fulfilled, but the whole obvious intention underlying these instructions was the retention of great landed proprietors; and if the English language means anything then these instructions can only mean that the zamindars are the full proprietors of their estates in every sense of the term. How after quoting this and other similar documents, the Committee could then briefly state that ‘ on a review of all the authorities quoted above, we are of opinion that the landholder is only an agent of the Government to collect rents and that the ryot is the owner of the soil,’ simply passes my comprehension and means that the authors of this Report and myself do not talk the same language. I, anyway, talk the language of the authors of the Permanent Settlement and I hold to my view in the face of this Report and of any elaboration of it that I may hear in the course of this debate.

“ With regard to the question of the relations which should exist between the zamindar and the ryot and the intentions of the authors of the Permanent Settlement thereon, I confess I do not feel quite so easy in my mind. It is evident from the famous instructions to Collectors that Lord Mornington and his high-minded associates were concerned to see that the ryot received a square deal. But I cannot find any evidence of a reliable nature that this idea was ever reduced at that time to a binding regulation or even to a formula. It seems to me, therefore, that in the business of securing the Permanent Settlement, the interests of the ryot were left rather in the air. But as the authors of this Report have dug up so much ancient history, we might perhaps consider the circumstances in which the rulers of the country were situated round about 1800. It was the period of the Napoleonic Wars when all peoples and Governments probably felt even less secure than at present, if that is possible. I conclude, therefore,

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that it was a matter of urgency to the British occupiers of this country to secure as complete a settlement of the country in the way of ordered Government, collection of revenue and so forth as could be achieved in a short space of time. I suspect too that the authors of the Permanent Settlement were not uninfluenced by these considerations and consequently found the aid of these powerful zamindars a great convenience to them in securing an orderly state of things over a large area of Southern India. If that was so, it is not difficult to see that the main concern was a Permanent Settlement with the zamindars in the course of which it might well be that the direct interests of the ryots were either overlooked, or possibly that it was not convenient to press them upon the zamindars as the other parties to this great land transaction. Now mark the period during which this thing happened. It was the year 1802, the period in which Napoleon was at the height of his power, when he had announced that he had intended to found two great Colonial Empires, one in America and the other in India! Is it not possible, when the Government themselves in that period had neither the material nor men to protect their interests, that they should have thought of securing as complete a settlement of the country in the way of ordered Government as possible by entrusting the collection of revenue to these zamindars? But even if there had been any definite code to govern the relation between the zamindar and the ryot, surely the whole aim of the settlement would have been nullified if the zamindar had not the inherent right of securing his reasonable share in any rise in price of the products of agriculture. This, after all, is the whole basis of the ryotwari settlement and is in accord with the Indian system of land revenue which includes rent from time immemorial. I am aware of course that the authors of this Report seek to beg the question by claiming that land revenue does not include rent; and it is perhaps a pity that in the ryotwari areas the rent factor should have been allowed to be overlooked so much when discussing the incidence of land revenue. A land tax pure and simple on the basis of which land revenue in this country is generally levied would be utterly indefensible in any circumstances. But when it is appreciated that the rent factor enters largely into land revenue, then we arrive at something which can be justified in the name of Government. My main point, however, is that there was no permanent and unalterable settlement in 1802 as far as the ryots were concerned, and evidently this caused no great hardship; as otherwise can one doubt that the Governors of this country up to 1865 who seem to have secured the admiration of the mover of this resolution would have seen that justice was done to the ryot if it did not already exist? But even if it is conceded that the ryot's lot was a hard one for more than a hundred years, surely the authors of this Report do not suggest that Sir George Forbes, with his well-known bias in favour of the tenant and cultivator, did not achieve substantial justice for the ryot in his Estates Land Act of 1908. Why then

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go back to 1802? I sometimes think that the year 1802 must be graven on the heart of the Hon. the Revenue Minister. I am told that when any Englishman tries to discuss the Irish question with Mr. De Valera, Mr. De Valera invariably harks back to Strongbow. It seems to me that 1802 has just about as much to do with the present discussion as Strongbow has to do with the modern problems of Ireland. If one wants to do justice on both sides, both to the zamindar and the ryot, then surely we should enquire how far and in what way the Estates Land Act of 1908 requires amendment. I can see no particular virtue in 1802 or in any other date of ancient history. Why stop at 1802? I have no doubt that many of the present zamindars could prove a clear title to their estates dating back far beyond 1802. The reason for 1802 is of course not difficult to understand. It is taken because of the blessed word "Permanent" which is associated with it and with the object of choosing an exceptionally favourable date for the benefit of the ryots. Before this Committee sat, I very much doubt whether any of the ryots were in the slightest concerned with 1802; and this I notice is brought out by Mr. A. Rangaswami Ayyangar in his dissenting minute. I can see no justification therefore for the proposed conferring of this advantage upon the zamindari ryot and putting him in an exceptionally privileged position as compared with other ryots in this Presidency; I hope therefore that whatever may be the outcome by way of legislation of the recommendations of this Committee or of this House, this arbitrary 1802 settlement in favour of the ryot will be dropped. But while I have been in some doubts about the intention of the authors of the Permanent Settlement as to the relations between the zamindar and the ryot, I cannot see that any of the evidence contained in this Report gives the slightest credence to the theory that the ryot is the proprietor of the soil. In fact all the evidence lies in exactly the opposite direction. What was implied by the authors of the settlement, and certainly not only intended but created by subsequent enactments was a right of occupancy on the part of the cultivating ryot, and this I do not think any zamindar nowadays would contest.

"Now how do the authors of this Report and the Hon. Mover of this resolution propose to implement the views they have expressed? We have the whole business laid bare before us in the shape of this proposed Madras Estates Land Revenue Bill of 1938. The Hon. the Mover was at pains in the course of his speech to suggest that this Bill hardly differed from the abortive Madras Tenancy Bill of 1898. But I noticed that he glossed over all the pages of the Bill involving entirely new legislation. Of this Bill perhaps the less said the better, as I cannot imagine any responsible Government bringing forward a Bill couched in language more suited to the Hustings than to a serious and important statute. Apart from the argumentative rant of the preamble, might I draw attention to the delicate distinction in the Statement of Objects and Reasons

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between 'some of the foreign Judges who were not familiar with the common law of the land' and later on 'the learned Indian Judges?' (Laughter.) This brings up an interesting point which has considerable prominence not only in this Report but also in the classic speech of the Hon. the Mover of this resolution. We all know that the devil can quote scripture for his own purposes. (Laughter.) I use it in an entirely proverbial and colloquial sense. (Laughter.) And I notice that when any of these old Englishmen concerned with the Permanent Settlement seemed to take a line in accordance with the views of the Hon. Mover, they are referred to as 'these high-minded Englishmen' (laughter); if they take the opposite view, then of course they are merely 'alien administrators and judges who know nothing about the law or custom of the country.' (Laughter.) Any way we have this Bill before us which I can only describe as having been begot in envy, conceived in hatred and delivered in malice. (Laughter from the Government benches.) The Hon. the Mover referred at the beginning of his speech to Moscow and Socialism and challenged any member to show any connexion between his proposals and the systems usually associated with Moscow. Well, I can reply to him that this Bill supplies the necessary answer to his question. It is a Bill to take away what belongs to certain people at present and give it to somebody else. By this Bill you are taking away from the zamindar something which has admittedly belonged to him any way for 136 years and in many cases much longer, not in order to retain it for the benefit of the State, but in order to make a present of it to somebody else, in this case, the ryot. In other words you are following the Moscow precedent when land was taken away from the big landowners and given to the Kulaks. You are now proposing to create a large body of Kulaks in this Presidency in the shape of the ryots who are to be handed what has hitherto belonged to the zamindars. That is how Moscow started but we all know what happened to the Kulaks when more advanced theories took the place of the earlier Bolshevism. I wonder how far this endowment of a Kulak ownership commends itself to the many gentlemen of advanced views who are now beginning to control the Congress Party. Are they going to accept for very long this proposed ownership of the soil by a ryot who in many cases will simply sublet the lands to somebody else for cultivation? How long will it be before these ryot Kulaks are themselves liquidated?

"The Hon. the Mover said that if his proposals could be shown to be revolutionary or expropriatory, he would be ready to correct even himself. I claim that I have shown that this is exactly what his proposals are. They will sow the seed of dissension, they will not materially benefit the cultivator, they will definitely expropriate the zamindars, they will deprive the Government itself of any opportunity later on of getting its fair share of the rent in these

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tracts, they will cause discontent amongst the more heavily taxed mirasidar and ryots of the ryotwari areas and nobody will be one-anna the better off. I appeal to the Government therefore before it is too late that they should have this matter further examined by some impartial tribunal, and, if in the interests of Government and the people it seems desirable to bring about far reaching changes in the zamindari tracts, to do so by the honest means of full compensation for rights and property." (Cheers from the Opposition benches.)

SRI P. SYAMASUNDARA RAO:—“అధ్యక్ష మహాశయ, శ్రీకా వెంకటాచార్యగారు ప్రతిపాదించిన బిల్లును నేను బలపరుచుచున్నాను. శ్రీకాశం మంత్రిగారు దీనిపై విపులముగాను, చాలా దీర్ఘముగాను చర్చించుచూ మొదట ఈ రిపోర్టును ప్రతిపాదించినప్పుడు మన హిందూదేశములో సాంప్రదాయ సిద్ధాంతముగా వచ్చిన హిందూ రాజులు, తరువాత మహమ్మదీయ రాజులు, ఆ తరువాత కంపెనీ ప్రభుత్వము, ఇకన్నీ అవలంబించిన లాండ్ రెవిన్యూ విధానాన్ని చర్చిస్తూ ఉపన్యసించారు. మొదట 1802 వ సం॥పు పెర్మనెంటు సెటిల్మెంటు ఏ విధముగా వచ్చినదో ఆ విషయము, వాటి పరతులును, ఆ తరువాత 1822 వ సంవత్సరములో వచ్చిన రెగ్యులేషన్లు, 1864 వ సంవత్సరములో వచ్చిన చట్టము ఆ తరువాత 1898 వ సంవత్సరములో వచ్చిన మద్రాసు లాండ్ రెవిన్యూ చట్టము తదుపరి 1908 వ సం॥పు మద్రాసు యెట్టింటు లాండ్ ఆక్టును గురించి దీర్ఘముగా చెప్పినారు అందులో ముఖ్యముగా పెర్మనెంట్ సెటిల్మెంటులోవున్న పరతు లేవిధముగా రైతులకు వ్యతిరేకముగా అన్వయించబడెనో ఈ చట్టము న్యాయస్థానములలో ఏ విధముగా రైతులకు వ్యతిరేకముగా అన్వయించబడెనో ఇకన్నీ దీర్ఘముగా చర్చించినారు. వాటి విషయమై ప్రసంగించుట చర్చిత పరణముగాయుండును.

“రైతుల విషయమై ప్రసంగించుచు మీర్జాపూరి జమీందారుగారు వారి రిపోర్టులో 4-15 P.M. రైతులపై కొన్ని దూషణ వాక్యములు చెప్పినారు. వాటినిగురించి కొంచెము చెప్పెదను. 430 వ పేజీలో రైతులు స్వాభావికముగా యెగవేసే అలవాటు గలవారనియు, అందువల్ల గవర్నమెంటు శిస్తులకంటే ఎక్కువ శిస్తులుండవలెననియు, శిస్తులు రాబట్టుకొనుటకు రైతులపై దావాలు అమలు జరిపి కోర్టు ఖర్చులు యావత్తు భర్తీ చేసుకొనుటకు వీలుండుననియు వ్రాసినారు. ఆ సందర్భములో రయితులు చాలా ముండిస్వభావము గలవారనికూడా వ్రాసినారు. ఐతే మీర్జాపూరి జమీందారుగారిని తదితర జమీందారీ గణాన్ని రయితుల తరఫున ఏమైనా అడ్డుటెచ్చుచే కోరము వచ్చునో! దీనిని బట్టి యథార్థాన్ని పరిశీలించి చూచినట్లయితే సాధారణముగా జమీందారులు రయితులవల్ల ఎంతవరకు రాబట్టుకొని తమ బొక్కసానికి చేర్చగలరో అంతవరకు రాబట్టుకొంటున్నారు. అందుచేత జమీందారులు పీడించే స్వభావము కలవారని నేను తిరిగి అంటే తప్పేముంది? కోర్టు ఖర్చులు రాబట్టుకొనుటకై రయితులపై గవర్నమెంటు రేటుకంటే ఎక్కువ రేటు ఉండడం న్యాయమని చెప్పటంలో అర్థములేదు. 1802 వ సంవత్సరపు రేటు ప్రకారమే వసూలుచేసినట్లయిన జమీందారులు కోర్టు కెక్కవలసిన అవసరముగాని దావాలు అమలు జరుపవలసిన అవసరముగాని వుండదు. వారింకను ఈ రిపోర్టునుగూర్చి వ్రాయుచు, 'There is no merit but novelty in the report' అన్నారు. అంటే 'ఈ రిపోర్టులో నవీనత ఉన్నా ప్రాశస్త్యములేదు' అని

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అన్నారు. వారి వ్యతిరేకపు రిపోర్టులో ప్రాశస్త్యముకాని, కొంత ఫక్కిగానిలేదు. మొదటినుంచివుండే ఆ పూర్వపు విధానము తప్ప ఈ రిపోర్టులో ఏ విషయముకూడా వారి కంగీకారముకాలేదు. మద్రాసు Landholders సంఘపెట్టిన మొమ్మరాండములో కూడా ఎక్కడా ఈ రిపోర్టుపట్ల సుహృద్భావమేయొక్క విషయములూనూలేదు. 406 వ పేజీలో వారు 'జమీందార్లపైని, జమీందారీ ఉద్యోగస్తులపైని ఎల్లప్పుడూ నేరారోపణచేసే స్వభావంగలవార'ని అన్నారు.

“రైతులు చెప్పే ఆ విధమైన సాక్ష్యము నీ కమిటీ వారాలించుట తప్పనియు ఈ కమిటీకి మర్యాదకూడాకాదనియు రిపోర్టులో తీసుకొన్న సాక్ష్యములకన్నటికి అవకాశమిచ్చుట న్యాయముకాదనియు దోషారోపణచేస్తూ దానిలో వ్రాసినారు. అంతేకాక రయితులసత్వవాదులనే భావాన్ని ఆ సందర్భములో వెలిబుచ్చినారు. రిపోర్టులో చెప్పిన సాక్ష్యములతో అబద్ధమని చెప్పినారు. ఆ సందర్భములో 3 వ సాక్షి Exhibit No. 2 దాఖలుచేసినారు. విశాఖపట్టణములో విచారణ జరిగేటప్పుడు నేనుకూడా ఉన్నాను. పొల్లడ గ్రామము నెటేట్ మెంటు తీర్పు 3 వ సాక్షి బడే వెంకట రెడ్డి నాయుడుగారు దాఖలుచేసినారు. ఆ తీర్పులో జమీందారు లెఖ్యులు, వారి సాక్ష్యము అబద్ధమని అందులో వ్రాసినారు. అది 2 వ Exhibit గా దాఖలుకాబడినది. అంతేకాకుండా పోలాక రామకృష్ణమృగాడు ఒక రైతు తాలూకా అనేక రకీదులు దాఖలు చేశారు. 1926 వ సంవత్సరములో ఆ రైతు చెల్లించిన డబ్బుకు, 1937 వ సంవత్సరములో తిరిగి Execution petition పెట్టినట్లును, అది ఇప్పుడు ఆమలు జరుగుచున్నట్లును అనాటి సాక్ష్యములో వారు చెప్పినారు. వీరు 3 వ నెంబరు Exhibit తాలూకు E.P. No. 964 of 1937 in S. No. 672 of 1924; E.P. No. 946 of 1937 న్ను రెండున్ను దానితో చాటు 3 (a) మొదలు (h) వరకు రకీదులు దాఖలు చేసినారు. వీరున్నంటినిబట్టి రైతులసత్వవాదులలో లేక జమీందార్లై ఆ అవవాదుకు పాత్రలో శాసన సభ్యులందరూ ఆలోచించవలసియుండును. ఈ రైతులపై ఇట్టి దోషారోపణలు చేయుటంత సమంజసముకాదని జమీందారీ సోదరులకు మనవి చేయుచున్నాను. నిజముగా ఈ జమీందారుల సత్వసంధత దృష్టిలో ఈ ఆమాయక రైతులు అసత్యవాదులు కాక పోతే మరేమవుతారు?

“వారు వసూలుచేసే శిస్తులు న్యాయమైనవే యనుచు వారిట్లు చెప్పినారు; ‘కొత్తగా చాలా ఖాములు సాగుబడి కావడముచేత వారి రాబడి ఎక్కువైనది కాని నిజముగా శిస్తులు మాత్రము వారేమియు పెచ్చించలేదని శ్రీమీర్జాపురము జమీందారు గారు తమ మీనుటలో వ్రాసినారు. రైతులపై వేయబడ్డ శిస్తులు దుర్భరముగా లేవని దానికి దాఖలాగా కొన్ని కళుగ్లను, కొన్ని క్రియ దస్తావేజులను దాఖలు చేసినారు. రైతులే కొలుకు ఖాములు అమరకంచేసి ఎక్కువ గాభములు పొందుచున్నట్లును, వారు అధిక మొత్తములకు ఖాముల నక్కుకొనుచున్నట్లును దానికి దాఖలాగా కొన్ని కాగితములు చూపినారు. వారు రయితులపై నేరారోపణచేయబూని ఏవో అక్కడక్కడ కాగితములను కొన్నింటిని దాఖలుచేసి కళుబదార్లకే ఎక్కువ ఆవా యము వచ్చుచున్నదన్నవాదనకు అర్థములేదు. ఈ సంవత్సరములో విశాఖపట్టణములో మండసా రైతుల తరపున శ్రీ చౌదరి కృష్ణమూర్తిగారు ఇచ్చిన సాక్ష్యమును గమనించగోరదను : ‘జమీందారీ ఖాములను రయితులు అమరకము చేయడం ఆచార

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లేదు. పాశుకార్లకు చాకీపడినప్పుడు రంగూపోయినవార్లు ఖాములు కొలుదార్లకు అమరకంచేసినా వారికివచ్చే ఆదాయం పూజ్యం. ఆ ఖాములనుండివచ్చే ఆదాయ ముదింపులు వ్యవసాయపు ఖర్చులుపోతే జమీందారీ శిస్తులకు చాలాదు. అందుచేత ఎవ్వరూ కొలుదార్లురారు. పంట అంతా శిస్తుకు చాలదు అని చెప్పిరి.’ జమీందారీ ఖాముల ఖరీదులకును, దగ్గరగానున్న గవర్న మెంటు, జిరాయితి ఖాముల ఖరీదులకును గల తేడాలు చూడవలెను గాని ఎక్కడనో ఒక మూల ఒకానొక ఖామియొక్క ఖరీదు ఎక్కువగానున్నదని, నిరూపించుచూ, వాటిని కళులకుకూడా ఇచ్చి రైతులు ఎక్కువ ఆదాయమును తీయుచున్నారని చెప్పు వాదన నందరును గమనించగోరదను.

“నిజముగా జమీందారీ ఖాములకు విలువయన్నదా లేదా యను విషయమును పరిశీలించవలెనన్న ఖామి తనఖా బ్యాంకులకుపోయి రైతు లిచ్చిన అప్పు దరఖాస్తులను గమనించినట్లయిన నిజము తెలియగలదు. అట్టి దరఖాస్తులపై సొమ్ము మంజూరు చేయరు. పట్టాలు విడుదల కాలేదనియు, పంట సరిగా పండు ఖామి కాదనియు, మంచి జలాధారములు లేవనియు ఖాములకు రెమిడక్ లేదనియు ఇంకా అనేక కారణములచేత వారికి అప్పలీయరు. అందుచేత కళుగ్ల విషయములోను, క్రియ చీటీ విషయములోను మీర్జాపురము జమీందారుగారు చెప్పిన వాదన ఏమాత్రము సరియైనది కాదని మనవిచేయుచున్నాను.

“విచారించబడిన సాక్షులగురించి ప్రస్తావించుచూ వారి సాక్ష్యము యావత్తు పాక్షికముగాను, ఒక దురుద్దేశ్యముతోను, జమీందారీగణాన్ని నిందలపాలు చేద్దామని చూచి నారని,” వీరు చెప్పినారు. ఇందులో సాక్షుమిచ్చినవారు చాలామంది జమీందార్లును, జమీందార్లవద్ద పనిచేసిన ex-దివాన్లును గవర్న మెంటు ఉద్యోగస్తులను సాక్ష్యముల నిచ్చియున్నారు. Court of Wards లో పనిచేయుచున్నవారును, అగ్రికల్చరల్ డిపార్టుమెంటులో ఎక్కువ అనుభవమున్నవారునుకూడా సాక్ష్యములు నిచ్చినారు. వీరందరి సాక్ష్యములను మొత్తముగా ఆలోచించవలెనుగాని కేవలము రైతుల సాక్ష్యము పాక్షికముగానున్నదను వాదన సరికాలేదు. వీరి సాక్ష్యములే కాకుండా రెవిన్యూ డోర్టువారును, అనేక న్యాయస్థాన తీర్పులలోనూకూడా జమీందార్లు శిస్తులను అక్రమంగా పెచ్చించినారని వ్రాసినారు.

“మరొకచోట మీర్జాపురం జమీందారుగారు గవర్న మెంటు శిస్తులను, జమీందారీ శిస్తులను సరిపోల్చుకూడదన్నారు. ‘గవర్న మెంటు వారికేదైనా special policy లుంటే (ప్రత్యేక ఉద్దేశ్యము) వారి ఆదాయమును వదులుకోవాలంటే వదులుకొనవలెను గాని మే మేమాత్రమును వదలుకోమని’ చెప్పినారు. గవర్న మెంటువారి policy మొదట పండిన పంటలలో సగ భాగము, ఆ తరువాత కొన్నార్లకు పండిన పంటలలో వ్యవసాయపు ఖర్చులుపోను మిగిలినదానిలో సగముగా మారినది. ఇప్పుడు నూతనంగా వెలువడిన రిపోర్టులలో రూపాయకు 3 ఆకాలకంటే ఎక్కువ శిస్తు వసూలు చేయకూడదన్నారు. గవర్న మెంటువారి లాండు రెవిన్యూ విధానముకూడా క్రమ కద్దతుల కనుగుణంగా లేదనియు అది సవరించవలెననియు గవర్న మెంటు శిస్తులతో సమానముగా జమీందారీ ఖాములపై శిస్తులు వసూలు చేయకూడదనియు, అందు చేతనే 1802 వ సంవత్సరపు శిస్తు రేట్లే సక్రమమైన రేట్లనియు మేము చెప్పుచున్నాము. Langley దొరగారును ఇంకను కొందరు సభ్యులును రైతులు తమకు వాదలు గలవనియు, వాటిని విచారించుటకు సంఘము కావలెననియు కోరలేదన్నట్లును

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1802 వ సంవత్సరపు రేట్లు వారడుగక పోయినప్పటికీ మీరు వీటిని నిర్ణయించు చున్నారని చెప్పినారు. రైతుల కిషయము రేట్లు తెలియను? వారు అమాయకులు. ఇచ్చటనున్న శాసన సభ్యులకే గవర్నమెంటు రికార్డులలోని కొన్ని విషయములను సంగ్రహించుట దుర్లభమైయుండ ఇక ఏ మూలనోనున్న రైతుల రేట్లు సాధ్యమగును? ఈ నాడు కాంగ్రెసు గవర్నమెంటు వున్నది కాబట్టి, రెవిన్యూ మంత్రిగారే ఈ కమిటీకి అధ్యక్షులు కాబట్టి దీనికి సరియైన రికార్డులతో సంగ్రహించి ఈ గ్రంథము నందు ప్రచురించి బయట పెట్టుట కవకాశము కలిగినది. శాసన సభ్యులకే వీలుకాని పని రైతులవల్ల జరుగునని అనుకొనుట కేమాత్రమును ఆధారము లేదు. ఈ రిపోర్టు లోనున్న సూచనల ప్రకారము 1802 వ సంవత్సరములో వుండే శిస్తు రేట్లే ఆయా దింపవలెనని రైతులు, వందలకొలది సభలు జరిపి వేలకొలది సంతకములుచేసి ఈ శాసన సభకు పంపించిరి. వందలకొలది పెత్తిగ్రాము లిచ్చియున్నారు.”

MR. SPEAKER :—“ You have been refering to the telegrams which have not been before the House. Unless these petitions are presented by the members of the Houses to the Assembly, they cannot be taken notice of in your speech.

MR. P. SYAMASUNARDA RAO :—“ వచ్చిన మహజర్లను ఈ దిశము గాని రేవటి దిశముగాని చాఖలుచేయుటకు ప్రయత్నము చేయుచున్నాము. ఇకన్నియు స్వీకర్యమగునట్టి చాఖలు చేయబడెనని మేము పూరుకున్నాము. మాకు తెలిసిన భోగట్టా కావున చెప్పినాను. ప్రజానిప్రాయము ఈ కమిటీ సిఫారసు వట్ల సంపూర్ణముగా లభించుచున్నదన్న విషయమందరికిని తెలిసినదే.

“ జమీందార్లు శిస్తుల నేవిధముగా క్రమ క్రమముగా హెచ్చించినారో దాని కేయ పద్ధతుల నవలంబించినారో చెప్పెదను :

“క్రోవ్ రోరగారు 1898 మదరాసు ఎస్టేటు లాండు రెవిన్యూ చట్టము వ్యాసు కాకుండా అడ్డుతగిలినవారిలో ముఖ్యము మందసా జామీందారు. ఈ మందసా రాజావారి ఎస్టేటులో 1908 కి పూర్వం నగదు శిస్తులుండెను. 1908 చట్టము రానున్నదని తెలిసికొని ఈ నూతన చట్ట ప్రకారము రూపాయి 1 కి రెండు అణాలు కంటే హెచ్చించుటకు వీలుండదని, నగదు శిస్తులు ధాన్యం రూపముగా రైతులను నిర్భం దించి మార్చినారు. అనంతరం జరిగిన సెటిల్మెంటులో దుర్భరముగా హెచ్చింప బడెను.

“ ఇది మొమ్మరాండము రిపోర్టు 2 వ భాగములో 15, 16 వ పేజీలోనున్నది. మందసా ఎస్టేటులో కొన్ని గ్రామాలలో డిమాండ్ల నేవిధముగా హెచ్చించిరి; అనగా 1902 వ సెటిల్మెంటుకు పూర్వమంత డిమాండు గ్రామాలకుండెనో 1908 వ సంవత్సరం అనంతరమంత డిమాండులుండెనో విశదపరచెదను. పిడి మందసాలో 1906కు పూర్వము గ్రామపు డిమాండు రూ. 1,600 ఉండగా 1921-22 వ సెటిల్ మెంటులో రూ. 3,500 వరకు హెచ్చించిరి. దేవపురములో రూ. 500 నుండి రూ. 2,500 లు వరకున్నూ, హరిపురములో 1878 వ సంవత్సరములో రూ. 2,800 లును, 1891 లో రూ. 3,070 లును, 1895 లో రూ. 4,519 లు వున్నదానిని 1922 వ సంవత్సరం సెటిల్మెంటునందు రూ. 8,088 లు చేసిరి. అంబుగములో 1898 లో రూ. 2,800 లును, 1905 లో రూ. 3,070 లును, 1912 లో

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రూ. 4,519 లును వున్నదానిని 1922 వ సంవత్సరం సెటిల్మెంటులో రూ. 6,800 లు చేసిరి. కర్తలిపాములో రూ. 3,548 నుండి రూ. 10,300 ల వరకును, వెంకట వరదరాజపురములో 1895 లో రూ. 940 లుండగా దానిని రూ. 2,240 లు వర కును, వాలిగాంలో 1838 లో రూ. 1,250 లున్నదానిని 1922 లో రూ. 3,129 ల వరకును హెచ్చించినారు. అందుచేత వ్యవసాయం వృద్ధి అయినందున జమీందారీ రాబడి హెచ్చడందేదని, అక్రమంగా హెచ్చింపులు జరిగినవని ఇందుమూలంగా తెలియ చున్నది.

“ 10 వ సంబరు సాక్షి మారుపు వంద్రయ్య రెండు పట్టాలు 30, 31 exhibits గా చాఖలు చేసినాడు. వాటిలో ముఖ్యముగా మొదటిలో సెటిల్మెంటు ఆఫీసర్లు తీర్పు చెప్పేముందు యిచ్చిన రఫ్ పట్టాకున్నూ 4 మాసముల తరువాత యిచ్చిన fair పట్టాలలో ఎట్లు రేట్లు హెచ్చింపబడినవో వివరింపబడెను. మందసా ఎస్టేటులో మొదట మదనాపురం రైతులకు రఫ్ పట్టా లిచ్చినప్పుడు 13 రూపాయిల చొప్పున రేటుండెను. నాలుగు నెలలు పోయిన తరువాత అది రూ. 22-10-0 కు హెచ్చిం పబడెను. రెండవ తరం ఖామి 12 రూపాయిలనుండి 21 రూపాయిల వరకును, మూడవ తరం ఖామి రూ. 10-8-0 నుండి రూ. 19-5-0 లువరకును, నాలుగవ తరం ఖామి 9 రూపాయిలనుండి రూ. 17-5-0 లు వరకును, తరువాత రూ. 4-8-0 నుండి రూ. 8 లు వరకు ఈ తీరున హెచ్చింపబడెను. ఈ విధంగా జమీందార్ల కెప్పుడవకా శము దొరికితే అప్పుడే విధంగా శిస్తులు హెచ్చించి వారి యాదాయమును వృద్ధి చేసుకొన్నారు.

“ లాంగ్ గారున్నూ, ఇతర మిత్రులు కొందరున్నూ చెప్పిన దేమనగా మేమును రైతులు ను విదోవిధముగ ఒడంబడిక చేసుకొని యిచ్చే సంవత్సరములనుండి అనుభవించగా 186 సంవత్సరముల క్రితం రేట్లుకట్టి ఇప్పటి రేట్లు ఒక్కమారుగా మార్చడానికి ప్రయత్న ముచేయుట Sanotity of Contract కు భంగమని చెప్పినారు. వారికిని రైతులకును అన్యోన్య ఒడంబడిక గలదనియు దానికి భంగము కలుగుననియు చెప్పినారు. ఈ ఒడం బడిక వులికిన మేకకను జరిగిన ఒడంబడిక వంటిది. ఆ నాడు జమీందారు కాగితము వ్రాసి సంతకము పెట్టమన్నచో రైతు సంతకము పెట్టలేనిసేదే జమీందారు మాట నెదిరించుటకు రైతుకు ధైర్యమేది? ఈ నాడు బయలుదేరిన విచారణ కమిటీకుండు సాక్ష్యము నిప్పుటకే రైతులు రూపొందినారు. అనాడు జమీందార్లు ప్రజా ప్రాతినిధ్య నికి వోట్లమ్మనగానే వారికిష్టము లేకపోయినా జమీందార్లకే వోట్లనిచ్చిరి. ఈనాడు రివ్యూపు వోటింగు పద్ధతి వచ్చినందున రైతులు జమీందార్లపై తమకున్న అయిష్టాన్ని వెలిబుచ్చుచూ వారి కేయస్సు కోరినవారికే వోట్లన్నియు కురిపించారు. అందుచేతనే ఒక్క చల్లపల్లి జమీందారుగారు తప్ప ఏ జమీందారును గెలువలేదు. దీనినిబట్టి జమీందార్లకు రైతులకుగల అగ్రిమెంటు కేవలము బలవంతముగా జరిగినదని తేలుచున్నది.

‘ 186 సంవత్సరములనుండి మేము నిరాశులంగా ఒడంబడికల ద్వారా కొన్ని హక్కులు అనుభవించుచున్నాము. అవి అన్యాయమైనా మా హక్కులుగా మారినవి. వీనిని పారవేయడానికి మీకు న్యాయములేదు. ధర్మముకాదని జమీందార్లు చెప్పు చున్నాడు.’ పూర్వమునుంచీయు పలుకుబడి జమీందారీగణాని కెక్కువగావున్నది. ప్రభుత్వమందు రైతులకు ప్రాతినిధ్యములేదు. రైతుల కష్టములనుగూర్చి ఆలోచించు

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టకు ప్రభుత్వము కవసరములేకపోయింది. ప్రభుత్వములో ప్రాధాన్యమైన గణము జమీందారీగణము. చట్టమును న్యాయస్థానపు తీర్పులను ఇతర రెగ్యులేషన్లను అన్వయించునట్లు వారి కనుగుణ్యముగా మార్చి చట్టమును బయటపెట్టినారు. ఇంకను ఈ పెర్మనెంటు సెటిల్మెంటులోనున్న కరతులన్వయించుటలో పొరపాటు జరిగిందని చెప్పుచున్నారు. 186 సంవత్సరములనుండి అనుభవించుచున్న అవి అన్యాయంగా సంక్రమించినపుడు దానిని మార్చుకూడదన్న దానిలో అర్థములేదు. న్యాయం కాదు. రైతులు కోల్పోయిన హక్కులను తిరిగి వారికిప్పించుట శాసనసభ్యుల బాధ్యతయైవున్నదని నేను మనవిచేయుచున్నాను. ఇస్తులు నిర్ణయించుటలో ముఖ్యముగా ఒక విషయమును గమనించవలెను. సాక్షులందరి సాక్ష్యములను, అందును ముఖ్యముగా గవర్నమెంటు తరపునవచ్చిన సాక్ష్యములను, జోగిరాజుగారి సాక్ష్యమునుబట్టియు కూడగా వ్యవసాయము లాభదాయకమైన వృత్తిగాలేదనియు, మదింపులు వ్యవసాయపు ఖర్చులు జమీందార్లకు వెల్లింబబడిన ఇస్తులపాను రైతులకు గంత అన్నానికైనా మిగులుటలేదని వారి సాక్ష్యంబట్ల తెలియగలదు. జోగిరాజుగారు వ్యవసాయ నిపుణులు. ఇంకను అనేక దృష్టాంతములున్నవి. కాబట్టి ఈ ఇస్తులను పునర్విమర్శించవలసియున్నది.

“ఇంక భూమి ఎవరిదనే వివాదాని కవసరమేలేదు. పూర్వమునుంచికూడా సాంప్రదాయసిద్ధంగా భూమిని చదునుచేసి అడవులుగానున్న దానిని వెట్టుచేసుకొట్టి వ్యవసాయమునకు అనుకూలంగాచేసి ఫలోన్ముఖముగా చేసినది రైలేగాని జమీందార్లుయేమిచేయలేదు. ఈ భూస్వామ్యపు హక్కు సాంప్రదాయ సిద్ధముగా రైతు సాము దాయమునకే చెందునని రిపోర్టులో వ్రాసినదానిని నేను పరిపూర్ణముగా సమర్థించుచున్నాను.

“ఇస్తుల విషయములో అన్ని ఎస్టేట్లలోను 1802 నాటి ఇస్తులే లాభకరంగా భుండుననుటకు కూడా వీలులేదు కాని ఈ రిపోర్టులోచెప్పిన ప్రకారము ఈ 1802 రేట్లు రైతులకు నష్టమైనను, జమీందార్లకు నష్టమైనను ఉభయముకూడా దానికి బద్ధులై యుండవలెను. 1802 నాటి రేట్లు సర్వత్ర రైతులకు అనుకూలముగా భుండుననుటకు వీలులేదు. ఎవరికనుకూలముగావున్నా ఎవరికి లేకపోయినా ఒక సూత్రమును అంగీకరించిన తరువాత ఆ పద్ధతి కందరును కట్టుబడియుండవలెను.

45 “Langley గారును, మీర్జాపురం జమీందారుగారును కల్లుదార్ల విషయములో సానుభూతితో మాట్లాడుచువచ్చినారు. రైలేభూమిని సాగుచేసి ఇస్తు వెల్లింబలేక ఖర్చులపాను ఏమీ మిగలనప్పుడు జమీందారీ ప్రాంతాలలో కల్లుదార్లకు యున్నారని చెప్పుట కష్టము. రైతులే భూమిసంతను సాగుచేసుకొనుచున్నారని కల్లుదార్లు యెక్కువగాలేరు. ఈ రిపోర్టు బిల్లయి అమలులోనికివచ్చే కల్లుదారు సమశ్య అనాడు వస్తుంది. కట్టాదార్లకే ఇస్తులు తగ్గుతాయి. అప్పుడు ఏమైనా కల్లుదార్ల సమశ్య బయలుదేరవచ్చును. కల్లుదార్ల విషయములో మేమేమాత్రము వారిని కాపాడు సమశ్యలోలేని పోవువారము కాదు. దానికి నేను రాస నిచ్చుచున్నాను. ఈ రిపోర్టులో జమీందారీ, గవర్నమెంటు రైతువారి ఈనాందారీ, కల్లుదార్లకందరికి ప్రత్యేక విచారణ జరిపెదమని చెప్పినారుగాన దీనినిగూర్చి ప్రత్యేకముగా నొక్కి వాదించవలసరములేదు. కల్లుదారు విషయములో పలానా సదుపాయము చేయవలసిన సూచనను మీర్జాపురం జమీందారుగారు చేసినచో దాని సంగీకరించువారమే. కాని కల్లుదార్లకు రైతులకు భేదాభిప్రాయములు కలుగజేయవలసిన ఇట్లు చెప్పు

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చున్నారని వారి రిపోర్టు సంగీకరించుచు కల్లుదార్ల విషయములో ఏదైన సూచనలుచేసినచో వాటిని మే మంగీకరించుట యిందుకు.

“ఈనాడు రైతుల విషయములో ఆలోచించిచూస్తే ఈనాడు భూములు, వాటికి సంబంధించిన ఖట్టు పూర్వోత్తరములు భిన్నముగావుండవచ్చును. 1938 వ చట్టము ప్రకారము ఈనాడు రైతులనుబట్టిచేట్టి సాగు హక్కులకే మాత్రము భంగముకలుగకుండా న్యాయము నొసంగెదమని నా విశ్వాసము. ఈ రిపోర్టు ప్రకటించబడినది మొదలు (Estate Land Report) ఈనాందార్లున్న, అగ్రహారదార్లున్న తమ రైతులను తొలగించెదమని లెదరిస్తున్నారు. వారిపట్ల ఈ చట్టము రద్దగును. అందువల్ల రైతులలో భయమున్ను అందోళనయు బయలుదేరినది. కావున ఈనాటిల్లు కూడా త్వరలో ప్రవేశపెట్టవలసియుండును.

“అబ్జిక్ట్, ఓపీటు అకామ్మదుగార్లు జమీందారీలను రద్దుచేసి వారికి నష్టపరిహార మివ్వవలసినది చెప్పినారు. కృష్ణారావుగారు ఒక ట్రైబ్యునలు నేర్పాటుచేసి ఈ రిపోర్టు ఆ ట్రైబ్యునలకు వచ్చుజెప్పి వారి సిఫారసులను తీసుకొనవలసినది చెప్పినారు. ఈ రెండు సూచనలలోను అబ్జిక్ట్ గారి సూచనలను రైతు సంఘమువారందరు పూర్తిగా ఆమోదిస్తారు. రైతు సంఘమువారి ఆదర్శమే యిది. దానికేమైనా వీలుండునా లేదా యని ఆలోచించవలెను. ప్రస్తుత పరిస్థితులలో రైతులకుండే కష్టాలను చాలా భాగము నివారించెడి ఈ జమీందారీ కమిటీ రిపోర్టు వారి సిఫారసులను రైతులు అంగీకరించుచున్నారు. పరిహారము విషయమువచ్చినచో రైతులు జమీందారులు 186 సంవత్సరములనుండి అక్రంగావసూలుచేసిన హక్కు ఇస్తులు వెళ్ళిచూచుకొనవలెను. రైతులకు జమీందార్లేమైనా తిరిగి యివ్వవలసియున్నచో రైతులు మాత్రమేమియు పుచ్చుకొనరని వారి భావమున నేను చెప్పుచున్నాను. జమీందార్లకు రైతులవిడదగని యెన్నచో ఇచ్చుటకేమియు అభ్యంతరములేదు. ఇన్నాళ్లనుంచి జమీందార్లు రైతుల వద్దనుంచి కూడబెట్టుకొన్న భవము అస్తులు చాలాగలవు. వారికి రైతులు పరిహారమియవలసరములేదు. కృష్ణారావుగారు తెచ్చిన సవరణ విషయములో ఇది బిల్లు కాకుండా ఎటురైన వాయిదా పడి వెంటనే పరిష్కారము కాకూడదనియు లేకున్నచున కొంత మునుగుననే యుద్దేశముతోచేసిన సవరణగా కాన్పించుచున్నదిగాని దీని యందలి ప్రాముఖ్యత విమాత్రములేదు. ప్రజాభిప్రాయ మేవిధముగానున్నదో శాసనసభ్యులకు తెలియను. వీరనేక సభలుచేసి తీర్మానములనుచేసియున్నారు. అందుచేత జమీందారీ రైతులు చాలాకాలమునుంచి వడుచున్న బాధలను నివారించుటకై శాసనసభ్యులును ప్రభుత్వమువారును ఈ బిల్లు విషయమై వాయిదాలు వేయకుండా ఎంత త్వరలో చేసిన రైతు లోకమంతా అంత సంతోషించెదరు. రైతుల సిఫారసులను జమీందార్లు రైతు సంఘమువారి సూచనలనుగూడ ఆలోచించి బిల్లును తయారుచేసి అభిసరమైనచో ఏప్రిల్ మాసములో ప్రత్యేక శాసనసభ సమావేశపరచి ఈ బిల్లును ప్రవేశపెట్టవలసిన కోరుచున్నాను.

“ఏదైనా పనిచేయునపుడు వెంటనే చేసినట్లయిన చాలామంది. అలశ్యమైనచో అచ్యుతముకూడ విషతుల్యులుగును. ఈ చట్టముపై శాసనసభ్యులును ప్రభుత్వమువారును కూడా నుముఖులైయున్నారు. అందుచేత కళావేంకటాచారి ప్రతిపాదనను నేను ముఖ్యముగా బలపరచుచు జమీందారీ రైతుగణానికి త్వరగా మేలుచేయవలసిన ప్రార్థించుచున్నాను.

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MAHBOOB ALI BAIG SAHIB BAHADUR:—" Mr. Speaker, before dealing with the subject-matter of my amendment, I consider it my duty to say a few words on the preparation of this Report, especially after the observations made by my hon. Friend Mr. Langley. I wonder, Sir, whether anybody in this Assembly or outside does fully realize the stupendous task, the inexhaustible energy, the probity and the mastery of the issues involved on the part of the Chairman of the Committee, for all of which the Hon. the Minister for Revenue, mainly, if not exclusively, was responsible. I was a member of the Committee. I am not a Congressman. Mr. Narayanaswami Nayudu who was also a member of the Committee is not a Congressman. The Zamindar of Mirzapuram is a landholder and he represents the landholders' constituency. We agreed on certain points and we have differed on certain others. The Congress member, Mr. Rangaswami Ayyangar, has chosen to differ from the majority report. You will, therefore, see, Sir, that the proceedings of the enquiry and the deliberations of the Committee were conducted in such a thorough manner that every one of us, the members of the Committee, was prepared and made fit to express his opinion on the points included in the terms of reference. I consider, Sir, that it is the highest tribute that can be paid to the chairman of any committee of this nature which was charged with the duty of solving one of the most serious and complicated agrarian problems of this Presidency. I might at once request Mr. Langley to disabuse his mind if he thought that we had not before us all the material which the Revenue Secretary would have made available to us. We had the advantage of studying all the State papers, papers from very ancient times. All the State papers were requisitioned and I am glad to tell you that the Revenue Secretary and all the Government officials including the Collectors of the districts co-operated with us. There was nothing which was not brought to our notice in the time that was given to us. We spent very anxious hours. We thought of coming to unanimous conclusions, but we honestly differed and accordingly minutes of dissent are appended to the Report. That a Congressman should have found it necessary to differ from other Congress members who have signed the majority report itself shows that we were not influenced by any party principles. We did not spare ourselves. We tried our best. According to our lights and our intelligence and the interest that we have for the welfare of the country and the people, we have honestly drafted our Report and minutes of dissent.

" Sir, I have a very difficult task before me. I have agreed with the report of the majority in very important matters and disagreed with them with regard to some conclusions and recommendations. I do not agree with the views of the landholders, but I must say that some compensation must be given to them, because they have acquired those rights. So, my position is very

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difficult. I must substantiate my points, my conclusions and answer the criticisms from both the sides. Now, Sir, with your permission, I shall read my amendment again so that I might refresh the memory of my hon. Friends. The amendment runs thus:—

' That, on such consideration this House is of opinion—

- (a) that the ryot is the owner of the soil and that his liability is strictly confined to compulsory contribution of a share of his income to the finances of the State for the purpose of meeting the expenditure necessary for the governance of the State;
- (b) that the Permanent Settlement of 1802 is based upon a wrong conception of the legal status of the ryot, and opposed to the legal and customary rights enjoyed by him from time immemorial;
- (c) that the zamindari system should ultimately be abolished by payment of compensation to the zamindars and proprietors for the rights acquired by them from the time of the Permanent Settlement;
- (d) that, pending such an elimination of the zamindaris and other proprietary estates by payment of compensation, the settlement of land revenue in the zamindari and other proprietary estates be made immediately on the basis of ryotwari settlement principles;
- (e) that in future, there shall be only one class of ryots, whose duty and privilege it should be to make their humble contribution to the coffers of the State in proportion to their ability to pay;

and recommends to the Government to bring forward immediate legislation based on the abovesaid principles.'

" Sir, this is a summary of my minute of dissent which has been appended to the main Report. It is printed at pages 335-342 of Part I of the Report. A close examination of my minute of dissent and its comparison with the recommendations and conclusions of the majority report will disclose at once that I am in entire agreement with the majority report in so far as its fundamental basis is concerned, namely, that the village community owned the land in the village in the earlier periods of history and subsequently individual ryots had absolute rights in the land, subject only to the payment of rajabhagam or the king's share, that neither the king nor anybody on his behalf who was charged with the duty of collecting the revenue for him, had any right in the land.

" But, Sir, I had to part company from the majority very regretfully when we came to the stage of examining the Permanent Settlement for the purpose of repudiating it or accepting

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it. Later on also I had to differ and part ways from my colleagues when we came to the question of framing our recommendations. While the majority report strangely enough affirms the Permanent Settlement and ostensibly bases its conclusions on the Permanent Settlement—I want to be excused for saying ‘ostensibly’—I could not see my way to accept the Permanent Settlement and affirm it. I have considered the Permanent Settlement as one of the most injudicious pieces of legislation wrongly conceived and unjustly put into effect. I thought that to affirm it and base one’s conclusions on the settlement would be to perpetuate the evil, the wrongs and the illegalities that have been perpetrated all these 136 years, nay, even for a century prior to the date of the Permanent Settlement, from the time of the decline of the central authority at Delhi.

“Further, Sir, while the majority report recognizes the Permanent Settlement and contends that going back to the 1802 state of affairs is sound and is not expropriatory, I consider that by virtue of the Permanent Settlement the zamindars were vested with powers that they did not possess before, or at least when a stable Government existed before, and that therefore from 1802 onwards the zamindars have been in enjoyment of rights which they really had no right to enjoy. But, Sir, as everybody knows, this stable and civilized Government was guided by the law for the time being in force and decisions of courts based on the law for the time being in force. Therefore, one will be forced to admit that all these 136 years, by virtue of enactments, regulations and Acts and decisions of civil courts based on those laws, the zamindars have acquired certain rights, although they did not possess such rights before.

“While I admit that it is not open to the Government to divest individuals of their rights without compensation, I think that it is always open to the Government to divest individuals of their rights after payment of compensation and for national purposes and for the common weal. It is in this view that I recommended that the zamindari system should be ultimately eliminated, but it could not be done in a day; and the state of affairs in the country and the condition of the ryot is so bad that immediate remedy is necessary. Therefore, Sir, I have recommended in my amendment that pending such elimination of zamindaris, land revenue in the zamindari areas should be settled on the basis prevailing in the ryotwari areas—I have very good reason why I have introduced the ryotwari basis and I shall presently refer to them.

“You will therefore see that my recommendations are in conflict with the majority report, although I have agreed with the report in fundamental matters. But what passes my understanding is how could this Congress Government, how could this majority all

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of whom are Congressmen, have thought of basing their conclusions on the Permanent Settlement. I have got my own views in this matter and I shall submit them a little later.

“Now I shall proceed to substantiate my statement and try to justify my conclusions in the hope that no party loyalties will prevent anyone of us here from supporting my conclusions, if he is really convinced of what I say. I am encouraged in this hope by the solemn declaration made by the Hon. Revenue Minister that the matter should be looked at from a non-party point of view. That encourages me, Sir, to address these few words now.

“There are three views before us now. The zamindar says that neither the village community nor the cultivator nor the ryot had any proprietary right in the soil, that it was the Government that had the right in the soil, that in the case of the zamindaris which were created newly the Government’s right of ownership was transferred to the zamindars, and that in the case of some zamindaris which were ancient zamindaris they had the right in the land from age-long times. The zamindar further says: ‘Show me a provision from 1802 onwards wherein it is stated that it is the ryot who has got the ownership of the land and not the zamindar.’ The zamindar quotes chapter and verse; he points out section 4 of the Permanent Settlement Regulation, which says 5-15 p.m. that every property inclusive of the lands, inclusive of the things mentioned there, belongs to the zamindar. He quotes the provision to the effect that the proprietary interest has been given to him. He quotes subsequent legislation also; he refers to Regulation IV of 1822. What does it say? It says that if I had proprietary right in the land, I was not deprived of it by the Permanent Settlement. The zamindar interprets the Permanent Settlement and says that nothing contained in it is meant to infringe or destroy the rights possessed by parties, whoever they may be, whether they are the ryots or the zamindars. He points out that even the Act of 1908, The Madras Estates Land Act, does not take away his right. He asks on the other hand, ‘Has the ryot any right in the property?’ Though he says that the occupancy right also belongs to him, he is willing to concede that the only thing that is provided for in the enactment of 1908 is that the ryot has got the occupancy right, and that the right is inheritable and transferable. The zamindar asks, ‘Besides this right, has the ryot been vested with any other right by any of the enactments?’ He says to the ryot: ‘You do not have the right of mining; you cannot spoil the land; you cannot build upon it; even the trees are mine.’ In the face of these facts, he asks, ‘How can you say that I am not the owner?’ He asks us to prove that by any enactments, the Legislature has given any other right, except the occupancy right, to the ryot.

“Secondly, what he says with regard to rates of rent, is this: He says it is wrong to confuse rates of rent with what we call kist;

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he says that nowhere 'land revenue' is mentioned; only the word 'rate' is mentioned; amount is not mentioned in any of these enactments. He says that even in section 9 of the Patta Regulation, only the word 'rate' is mentioned. I ask what about waram rate; waram rate was mostly prevailing. He says, 'I could not commute that waram rate according to the price level when commutation took place. No enactment—not even that of 1865—supports you. Only the Act of 1908 says you can commute it; then some rules were framed and the rate was given.' Every zamindar took advantage of it and converted the waram rate when the prices rose. The zamindar asks us, 'How can you say that what I did was opposed to the Permanent Settlement?' The very gentleman who was referred to by the Hon. Minister and everybody, the Hon. Mr. Crole, clearly states that any benefit on account of the rise in prices should go to the zamindar. The zamindar asks, 'How can you say that I have done anything wrong?'

"I have referred to all these points not to show that the zamindar has got the right, but to show that the Permanent Settlement was wrongly interpreted and that the rights of the ryots have been taken away. It is stated here (Mr. Crole's speech) that the proprietary right of the zamindar and the benefit arising therefrom were confined first to the extension of the amount and not of the rate of the customary rent, by an increase of cultivation. The zamindar asks, 'What is it that I have done illegally? I am within the scope of the Permanent Settlement; I have done nothing against it.' He says again, 'I have extended cultivation; I have got the benefit of the rise in prices.' The zamindar sometimes says, 'It was so interpreted by the courts and I increased the rates.' Some zamindars deny having increased the rate. It is for us to judge. I am sure that in some cases they have increased the rate also; there is no doubt about it. The zamindar says, as far as the rate is concerned, it was one-half at that period. 'If you look at the matter, if you examine it carefully, you will find that I am not taking half the gross rate. On the complaint of the ryots, the whole matter has been thrashed out by committees and by legislatures; from 1908 onwards we have not been increasing our rates.' He says that the enactment of 1934 provides for revision of rent. He points out to the Permanent Settlement and the Regulations that have been passed and the decisions based upon them, and says that no case has been made out for any new change. I submit all these points to show how that mischievous enactment of Permanent Settlement has given the rights to the zamindar.

"The majority report says the same thing as I have said, with regard to the ownership of the land. It says that the ownership of the land has not been disturbed till now. I was careful enough to hear the Hon. the Revenue Minister; he said, 'It is true that it is not clearly laid down in any of these enactments that the ryot

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is the owner of the land.' He says that because under the Permanent Settlement the rate has been fixed permanently and unalterably, the same must continue. I have certainly no quarrel as far as the money rents are concerned. I shall criticize this point later on. That is the second point of view before the House.

"The third view is my view. My view is that the ryot is the owner of the land and his only liability is compulsory contribution to the finances of the State for the purpose of running the Government. Neither the zamindar nor the person who collects the revenue is the owner. I submit that this view has been changed on account of many circumstances. I shall revert to this matter subsequently. From 1802, on account of this Permanent Settlement, the rights which belonged to the ryot have been taken away. Subsequently, the zamindars were invested with the rights and therefore I say that the Permanent Settlement must go. But they have enjoyed these rights for 136 years; so, no civilized Government would think of confiscating these rights without paying any compensation. So compensation must be paid to the zamindars and the proprietors for the rights acquired by them from the time of the Permanent Settlement.

"These are the three views that are before this House, before this august body which must give its verdict. I submit, Sir, that this august body which is a sovereign body, can do and undo things, can do good or evil. It must seriously consider all these view-points and not be led away by sentiments or party loyalties. I consider that anybody who misguides this House sins against the country, against the people and God will help me in my task.

"The particular question with regard to all these three view-points is this: who is the owner of the soil? I have heard Mr. Langley's learned discourse and I am very much disappointed with it. Why? We have got two pictures; there is the ryotwari ryot and there is the zamindari ryot; compare the two ryots; compare this picture with that. These two ryots are not enjoying the same rights and privileges all these years; look at the one brother and his counterfeit brother. This is a complete and convincing answer to anybody who would criticize the ownership theory. The zamindari ryot gave away his rights in the land, without investigating the matter whether he is the owner of the land or not. There is the ryotwari ryot who is the full owner of the land. He can dig the land for minerals or construct buildings on it; he can conduct quarrying or mining operations and need only pay royalty. The ryotwari ryot has been enjoying absolute rights in the property for a long time. Then why is it that the zamindari ryot is not the owner of the soil? I ask, Sir, this House and the Hon. the Revenue Minister, 'Do you still want to have this zamindari system which has vested the full ownership of the property in the

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zamindar?' The zamindar has not got this right according to the existing enactments. I ask hon. Members, Sir, whether their constituencies demand that the Permanent Settlement should be perpetuated, which has reduced a full owner of the property to this miserable state. There will be nobody here who will agree to that proposition. I for one would not agree to that, if I were a zamindari ryot, unless there is a mandate to all of you by the people in the country that this must really go on.

Now, Sir, it may be stated that I am simply playing upon sentiment. I will just quote chapter and verse. My friend Mr. Langley stated it is not true. I will quote from the highest authorities as to what the real state of affairs was at the time, or even prior to it. I need not go back to the B.Cs. or to the Manu period or the Ain-i-Akbari. I may say that even at the present day the ryotwari ryots are the real owners. I may also bring to your notice that several men of authority who were competent to speak on the matter have stated what the position was from time immemorial. I shall quote only a few sentences from Mr. Crole's speech, which after all did not contain his own view, but in which he quotes others:

'Whether the Government was Hindu or Muhammadan, it consistently recognized the proprietary right of the cultivator. It levied a land-tax, which even in Muhammadan days, did not exceed in theory one-third of the gross out-turn. It was often oppressive and indefinite, but in theory it was limited—as one of the early Bengal papers puts it, so as "to leave the farmer that which constitutes property, a rent, a proprietor's share." Subject to the payment of the land-tax, the ryot's right in his holding was perfect. It started, in fact, on the assumption that "cultivated land is the property of the man who cuts away the wood, and who first cleared and tilled it," as Manu's Code put it. That, I submit, continues to be the common law of the Madras Presidency up to the present day. As Mr. Justice Subrahmanya Ayyar once well said: "The common law of Madras gives every ryot an occupancy right, irrespective of the period of his holding. The village communities were left in full possession of the soil included in their limits, and the ruler was satisfied if they paid the dues of the State. When the idea of individual property and individual responsibility developed, the State still continued to levy its land-tax direct. It was only when the central power of the Mogul Empire began to decay, that middlemen, under the names of zamindars, renters, or farmers-general were introduced by the local Viceroys. In an evil day, the East India Company, in ignorance of the history of the subject, and despairing of securing the prosperity of the cultivating classes in any other way, abandoned all idea of direct management, and made over the real owners of the soil to the tender mercies of the zamindars.'

"Well, Sir, anybody who has read the literature on the village communities, will find that the very same villages within the very same boundaries have been existing for many centuries as autonomous bodies; they had their own officers and their own servants, and the leaders of what were called panchayats decided all these questions. Whether it was the Hindu Government or the Muhammadan Government, whether it was the Asoka Government or whether it was the Baber or the Akbar Government, the same village communities paid this land-tax to the Government. They did not bother themselves as to which Government it was to

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whom they were paying, whether it was this Government or that Government. This I say on the authority of eminent persons who have investigated this matter. Especially when individual responsibility developed, individual ownership also developed. That is the course of the history of ownership, and that is the theory that was recognized by the Government.

"Now, Sir, as regards rent, if I am able to show that the rights of the ryots were greater prior to the year 1802, if I am able to show that the Permanent Settlement of 1802 destroyed and abridged their rights, and if I am able also to show that consequently the zamindars acquired those rights, then I submit the verdict of this House must be in my favour. Prior to 1802, the ryots were the owners of the land, and they paid a customary contribution or tax which never exceeded one-third. The highest tribunals in the land have held that the zamindar has been given rights; it is true that the scope of the Permanent Settlement was such that the authorities had to hold that the property within the geographical limits of the zamindari belonged to the zamindar. Are we not aware that the Privy Council and the High Courts have held that forests belonged to the zamindar, that hills belonged to the zamindar, and that waste-lands belonged to the zamindar? What was it that was upheld by the highest authorities who interpreted these enactments? It was that the ryot had the occupancy right. Is it not true, therefore, that prior to 1802, the ryots had those rights and they were deprived of the same by the Permanent Settlement? Is it not also true, Sir, that on that account, the zamindars were vested with rights which they did not possess? As I said, at that time the rent was a land-tax, and on the authority of Manu, on the authority of the Ain-i-Akbari, and on the authority of what was in vogue during the period of the Hindu kings, I say that the tax ranged from one-sixth to one-twelfth. During the Mogul period, the maximum was one-third the gross return. May I ask, how was it that at the time of the Permanent Settlement half the gross return was fixed as rent? There is ample information on that point in the discussions of Mr. Crole and Mr. Forbes.

"After the fall of the Mogul Empire, the Viceroys asserted themselves, the small chieftains and the small principalities rose to power. Unlike a stable government, they could not be expected to have any responsibility in governing the people. They were greedy, and there was an opportunity for them to hoard as much money as possible. It was in those circumstances that rent came into existence. And when the Permanent Settlement came to be enacted, what did the Britisher find? He found that the land-tax paid by the ryots at that time was half the gross return: and it was admitted on all hands—even the Hon. the Revenue Minister has admitted it. In some cases it was brought into existence by

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the zamindars themselves; and I would point out to Mr. Langley that we have searched all the papers produced by the zamindars themselves and have found that in some cases it was three-fifths, in some cases it was two-thirds and in others half. And that is why I stated that there was no charm in fixing taxation, permanently and unalterably. After all, taxation is an attribute of sovereignty. I will have occasion to show later on how it is reprehensible that this sovereign right of taxation should be transferred to others and people's rights should be bartered away and put into the hands of third parties who are not sovereigns themselves. The collection of these taxes is the peculiar right of the sovereign, it is given to him by virtue of his being the sovereign, being charged with the duty of governing the country. Therefore, is it right on the part of this popular Government, of which the Hon. the Revenue Minister is one of the leaders, to say that the sovereign right of the Government should be allowed to continue in the hands of third parties? Except in the hands of the Government, such a right is bound to be abused. But what is the use of abusing or condemning the zamindars? I have got a good many friends among them. It is the system that you must condemn. You keep the system there and expect the zamindars to be good. It is in the nature of things bad; it is on principle bad that the sovereign's right should be transferred to third parties. I shall quote authority to prove that, having done that, the Britishers felt sorry for it, and attempts were made, even at that time, to decide whether land revenue should be settled directly by the Government or whether it would be transferred to the zamindars. Opinions differed, and as Mr. Langley put it—I agree with him entirely in that part of his address—the times were such that in 1801 the Government did not feel strong enough, they had not a sufficient army. They thought that if a permanent settlement was made, they would have strong persons on their side. That was the policy at that time. In fact, we must give them credit; they honestly believed that it was good in the circumstances to do so, as that was also the law of the landlord and tenant in England. And for whatever reason it was, whether on account of ignorance of the law of the country or on account of the policy that was pursued at that time or probably even because they wanted to find out a ready-made or easy way to collect the tax, for whatever reason it was, this permanent settlement was brought into existence. Therefore, Sir, shall we continue the same system? Shall we continue to deprive the ryots of all the rights which they had? Shall we recognize this system? I should think that it would be wrong for any party or any person to support or defend a system which has deprived thousands of persons of their rights and increased the rent from one-third to one-half, while their neighbours, the ryotwari ryots, are enjoying all those rights even to-day.

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“ So, Sir, I have proved that prior to 1802 or at least during the stable Government, the zamindari ryot was the owner and that he did not pay more than one-third as the maximum. It was the Permanent Settlement that worked havoc and took away all his rights. I have already submitted that all the enactments from 1802 are in favour of the zamindar, for whatever reason they might have been brought into existence. But, subsequently those were tried to be changed and for whatever reason it may be, the object of the ryot could not be achieved and he was not restored to his former position. This is what happened at that time. They had acquired it. What shall we do? That seems to have been the problem. That is very fair. It would appeal to anybody and it is more logical, more consistent with fact, truth and the morality and welfare of the people in future. 5-45 p.m.

“ Now, Sir, I would only submit one thing why I have been harping upon the ryotwari system. You will find, Sir, that as early as 1884, a draft Bill was prepared. The preamble to that Bill says, ‘Whereas it is expedient to place the rights and interests of the ryots of other than ryotwari villages on the same footing of security as those of Government ryotwari villages and to carry out the objects which were always aimed at by the British Government in all settlements, permanent or temporary and to make better provision for defining the relations between the landlord and tenant and for the collection of rents,’ etc. To this was also added that even when the ryot failed to pay his assessment, the Government had no power of ejecting him except by resorting to public auction under law. So, except under the one condition of failing to pay the tax and consequent ejection, the ryot is the proprietor of the soil. Previously, in 1857 too, it was declared that the proprietary right of a ryot was perfect as long as he pays the fixed assessment on his land. I do not know what Mr. Langley would say to this. It was clearly stated that the ryot was the owner of the land. So, how can a zamindari tenant be different from a ryotwari tenant? There is no principle of ryotwari management more clear and better than this and no Government can deny that any right is more strong. These were the rights possessed by the ryots. This is what the Government say: these were the rights possessed by the ryots when the Government entrusted the ryots to the zamindars at the beginning of the century. There was an attempt made to bring them up to the level of the ryotwari ryots.

“ Sir, it may be said that the proposals of the majority are more favourable to the tenants and I shall have occasion to refer to that aspect later on. But what I would like to say here is that as an immediate step, we should bring the zamindari ryots to the level of the ryotwari ryots. We know, and the ryots also know, that there are going to be changes in the ryotwari tenure also and

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when you reform the ryotwari system, I am sure the zamindari ryots also will get the same advantages. At a later stage, I shall have occasion to state my view of the reform that is necessary in regard to them. I have only to state that the only way to remedy this present evil is to abolish the zamindari system and, if necessary, give the zamindars compensation for the rights they have acquired and to introduce immediately the ryotwari system and then they will sail along with other ryotwari ryots. Then, as I said, there shall be only one class of ryots in the country who shall be directly responsible to the Government.

"I have got a few more things to say with reference to the rates of rent that have been advocated by the majority, and here I wish to refer to the observations I have made in my minute of dissent. In the first place, at the time of the Permanent Settlement, mostly varam rate prevailed, and money rent was very rare; and wherever the rate of rent is referred to in section 9 of the Patta Regulation, it means the rate that is mentioned and not the amount and that was very advisedly used. In cases where the money-rate prevailed at that time, it may be said, these proposals are applicable. But the difficulty is this. Although the Revenue Minister has slurred over the matter and thought it to be an easy matter, the unit of measurement at that time was different from our unit, i.e., the unit adopted by the British Government. In regard to the measurement of land, different kinds of units prevailed at that time and it took a long time for the Inam Commissioner of 1860 to convert all these units into acres.

"The next thing is about the proposal with reference to what is called 'assets basis.' What should you do? You must ascertain the average produce of the village and determine the rate of rent prevailing there. Sometimes it was, as I said before, half, sometimes three-fourths and at other times four-fifths and in some of the documents it is put as 45 per cent. You will therefore have to ascertain what the rate was at that time. That is again another difficulty, because it was not one, but it was varying. Even if these things are known, you must know what is the acreage that was under cultivation on a particular date. It may sometimes be less or it may be more. Further, when you have converted them into money rent by what is called the process of commutation, you will have to divide the amount of rent roll by the number of acres and the number of years. Then you will get what is called the average rate. But I ask whether all the lands are of the same quality; some may be good, some bad and others indifferent; how is it possible to do it? That is yet another difficulty.

"Another thing, Sir. There is nowhere any provision as to how the rate could be commuted into money-rate. If money-rate

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was prevailing at the time, it is a different matter, but, as you know, after 1802 and from 1834-35 prices have fallen, for everybody knows that several zamindaris were attached and sold. It was only in 1860 and 1865 that the prices again rose and our zamindars, perhaps assisted by clever diwans then thought of converting those varam rates into money-rates at the prices prevailing at the time. Now, how can you say that that conversion rate was wrong? Is there any principle in asking a person who was collecting varam rates till 1865 or 1869 to go back to 1802 rates? There is no logic in it. That is the difficulty with regard to varam rates.

"Again, Sir, I have always been wondering what the charm is in rent being fixed. I can understand prices being fixed and as I already submitted, the land-tax is a compulsory contribution that a ryot or a citizen is bound to make to the sovereign, and that too, as much as would meet the necessities of the State. That is why I very advisedly used the words 'in meeting the expenditure necessary for the governance of the State.' Anybody who is acquainted with the budget will know that you ought not to collect more money than you really have to spend. That is one of the fundamental principles of finance and budgeting. So, where is the charm in rent being fixed and that too unalterably? Supposing to-morrow, there is war. Everyone of us including the ryot is bound to contribute, not half, but even three-fourths and even more. But in normal conditions only normal rates shall prevail. As a matter of fact, Sir, during the period of depression, did not this Government grant remissions and are they not proposing to give still further remissions? So, if there is no necessity you don't want money and if there is necessity you can ask people to contribute more. So, my submission is, there is no charm in that and you ought not to accept that principle at all.

"Then, Sir, in the matter of the collection of rent, a private agency is to collect the tax. I ask, would a private agent have any mercy if the ryot has no money or if his harvest has failed? He won't. And, do you expect that system to continue? That was the mistake committed in 1802 and on account of defective legislation, on account of ignorance, on account of the exigencies of the times and on account of the then policy, that was done. Is there any policy behind it? I have got some idea as to why it is done, which I will explain later. 6 p.m.

MR. SPEAKER:—"I think the hon. Member has already explained the same thing a number of times."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"No, Sir."

MR. SPEAKER:—"If a paraphrase is going on, I would suggest that it be cut short. There are only seven hours available for the debate and there are so many hon. Members anxious to

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speak. I would suggest to the hon. Member to cut down his observations. Otherwise I should have to impose a time-limit in respect of the speeches."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"The rate advocated by the majority ought not to have been advocated and it is not correct in principle."

MR. SPEAKER:—"This is a point that has been hammered rather too much and too long."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I shall try to avoid this sort of repetition."

MR. SPEAKER:—"I think the hon. Member would close his speech very soon."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Then again, Sir, why should the ryots be asked to pay half cost? This is based on an age-long custom and for that reason I am opposed to Permanent Settlement. I ask, Sir, whether there is any legislation or regulation to say that you must adopt it. I suggest that the ryotwari basis should be established."

"The ryotwari settlement system has been so perfected. There is the Public Survey department who can survey the whole thing and carry out the settlement in a very short time. Half the rate even at the level of prices of 1802 would not benefit a considerable portion of the ryots except in the very rack-renting zamindaris. Even if it did, I suppose there would be considerable delay and I am afraid, as I have stated in my dissenting minute, that no benefit would accrue to them before a decade and before they could know what they have to pay. But if the ryotwari system is to be introduced, the whole thing can be done in a year or two. Are we not aware of the unrest that is prevailing throughout the country? Have we not seen the ryots asserting their rights and the zamindars bringing about such a state of things? It is time that we introduce the ryotwari system for it is a thing which could be easily introduced and worked and the ryot would be able to know where exactly he stands in a very short time."

"Sir, with regard to forests and hills, I would advocate that the same condition that is prevailing in the ryotwari areas should prevail in the zamin areas as well. If the Hon. the Revenue Minister contends that in the ryotwari areas the villagers have got all the rights of the forests and hills which I very much doubt, then the ryots of the zamindari areas should also get all those rights."

"Then I come to the question of inams and this is a matter upon which I feel very strongly. Chapter X which deals with the inams has been most disappointing. I cannot understand why this has not been dealt with by the majority though I urged that it should so dealt with. I contended then and I contend now

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that under the terms of reference under which we were functioning, we were asked to make a report and suggest legislation with regard to zamindari tracts and other proprietary estates. From the date on which we were commissioned to enquire into the details to enable us to put forward the lines of possible legislation up to now the Estates Land Act of 1908 and the amended Estates Land Act of 1936 are yet in force. These inams also were referred to us. Inams referred to in clause (d) of subsection (2) of section 3 of the Estates Land Act, whole inam villages of which the grant has been made, are estates with this difference, namely that according to the enactment of 1908 the ryot or whoever that went to court, was asked to prove that melvaram alone was granted to the inamdars and not the kudi-varam right; but the amended Act of 1936 laid down that a whole inam village shall in future be declared to be an estate without that necessity and the ryots had permanent occupancy rights. There was a little confusion in the minds of the majority with regard to this matter. There was a discussion on minor inams; but it must be quite plain to you, Sir, that minor inams never formed part of estates and the ryots in these inams had no right of occupancy at all except when they were made by way of grant. So these minor inams ought not to have been considered at all. But now, Sir, with regard to these inams the majority has, I submit, taken a very wrong view. I hold that the majority is wrong and I submit that the Acts of 1862, 1866 and 1869 had nothing to do with the rights between the inamdars and the tenants. They dealt with the rights as between the inamdars and the Government. The preamble of the Act of 1869 has made it very clear:—

"Nothing contained in Act IV of 1862 or 1866 shall be deemed to confer on any inamdar any right in the land which he does not possess and the title deed issued to the inamdar shall not be deemed to define, limit or enfranchise or destroy rights of any description . . ."

There are a number of decisions to support my view and the preamble makes it clear that that has nothing to do with the inamdars.

"Having said so, the Report then proceeds to say that inams are divided into three classes, what are called the included inams . . ."

MR. SPEAKER:—"Is it necessary to go into those details? At this rate I think the discussion could not be over within the time available to the House."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"This aspect of the matter has not been touched upon by any other hon. Member and I would therefore crave indulgence, because it is a very important matter and affects thousands and thousands of inams."

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MR. SPEAKER:—"I know that every hon. Member can speak for two or three hours upon this Report. There is no doubt about it. But if we are going to proceed at this rate, I should ask hon. Members whether they are prepared to have a night sitting, say, from 9 to 12 or thereabout."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"This is a very important matter and I request you to permit me to make some observations upon it."

MR. SPEAKER:—"I know that it is a very important matter and that is why I am asking the hon. Member whether we can have a night sitting. I shall give the hon. Member full time. I know that Mr. Mahboob Ali Baig has closely studied the Report and is making very useful and weighty observations."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I will be as brief as possible."

MR. SPEAKER:—"But my difficulty is that there are other hon. Members who have studied equally well and who want to speak. I would advise the hon. Member not to take more time than is absolutely necessary."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"This is a very important matter and he is the only member who has referred to the matter in detail."

MR. SPEAKER:—"But there are many hon. Members who want to refer to this."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am not sure, Sir."

MR. SPEAKER:—"But I am sure about it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"There are only a very few people who can speak with so detailed a knowledge."

MR. SPEAKER:—"So many members came to me and asked to be given time to make their speeches."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am sure that very few would refer to this matter."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I will not take more time than is absolutely necessary."

MR. SPEAKER:—"Mr. Mahboob Ali Baig will finish his speech in five minutes. I shall hereafter enforce the time-limit so that every hon. Member may have an opportunity of speaking."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I crave your indulgence in this matter. If I am saying anything, it shall only be to the point and I shall observe your directions."

MR. SPEAKER:—"The difficulty is this. There are other hon. Members who have made an equally careful study of the

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Report and they also want to speak and therefore, I would suggest to the hon. Member to be brief in his observations and conclude his speech early."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I shall be very brief. I shall not say anything extraneous."

MR. SPEAKER:—"What did Mr. Hameed Khan say?"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I was suggesting that there will not be many speakers to refer to this particular matter."

MR. SPEAKER:—"On what grounds, does he say so?"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"That is my opinion, Sir."

MR. SPEAKER:—"It would be wrong to ask for more time on the ground that there will not be many members who would deal with a particular subject. The Chair cannot accept the suggestion of the hon. Member."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I am not competent to make such a claim and I have not said so and I assure the Speaker that I shall be very brief in my observations."

"Let me come to the draft Bill that has been put forward by the Committee. In the Preamble to the Bill in clause 3 (1) (d) they state:

'any inam or shrotriyam village or part of a village of which the grant was made or confirmed, or has been recognized by the British Government:

Provided the same had been included in the assets of the estate at the time of the Permanent Settlement and provided also that excluded inams or post-settlement inams shall not come within the definition of estate.'

I submit, Sir, that this is a wrong view. If you look at this definition it would mean that only inams which are called included inams at the time of the Permanent Settlement are estates. All inams which are outside the zamindari are excluded as well as post-settlement inams. May I, in this connexion, invite the attention of the House to section 4 of the Permanent Settlement Regulation? It vests property in zamindars including some inams, what are called lakhiraj lands. So these inams were excluded at the time of the Permanent Settlement, and it was left to the Government in 1860 to enfranchise or not to enfranchise. I am speaking here only of whole inam villages. Under that section they should be treated as estates for the purpose of getting occupancy rights; and it is a very extraordinary proposition that post-settlement inams should have been excluded; that is, under sections 4 and 12 of the Permanent Settlement Regulation, they are

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considered by the Report as invalid. May I invite your attention, and through you, Sir, the attention of the Hon. Revenue Minister to section 12? It runs thus:

‘It shall not be competent to proprietors of land to appropriate any part of a landed estate permanently assessed, to religious or charitable, or to any other purposes by which it may be intended to exempt such lands from bearing their portion of the public tax.’

‘That relates only as far as public tax, that is, peshkash is concerned. It means this: you might give away that land, but that land-tax will be a charge on that property; you can pursue that property for the collection of peshkash, in whosoever’s hands that land may be. That is the decision of the Privy Council also.’

‘Coming to the inams which are outside zamindari area, I may tell the Hon. Revenue Minister and the members of the majority report, that their theory is that in the villages the land belongs first to the village as a whole, and to the villagers subsequently, and that it is only the land-tax that is transferred to the inamdars. And for the matter of that, that was the case in the ryotwari tracts also. So the position is, in the whole of India, in whole inam villages whether ryotwari or zamindari, the villagers have proprietary rights in the land. They have what is called kudivaram right in the land and what was given to the inamdars is only melvaram. The theory is that the villager is the owner and Government have only the right to revenue. That being the case, I do not see why these inams should have been excluded. The inamdars made their representation very effectively all these years, but in spite of that, in 1936 an Act was passed on the very same theory that the villagers . . .’

MR. SPEAKER:—“May I know what time more Mr. Mahboob Ali will take?”

MAHBOOB ALI BAIG SAHIB BAHADUR:—“I will take ten minutes more.”

MR. SPEAKER:—“I don’t think at this rate he is going to finish in ten minutes.”

MAHBOOB ALI BAIG SAHIB BAHADUR:—“I have come to the fag end of my speech.”

MR. SPEAKER:—“Although Mr. Hameed Khan is very anxious that we should adjourn at 7 o’clock, unless hon. Members sit either the whole night or up till 8 o’clock, I don’t think we can finish the business.”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Let us come to an understanding on the question. We shall sit till 9 o’clock to-night.”

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MR. SPEAKER:—“Mr. Appadurai Pillai has got elaborate notes, and I see him still preparing (laughter) and there are some zamindars and landholders who have got their speeches ready typed.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“I don’t think on account of that we should sit till 9 o’clock to-night. We shall sit in the morning also, or, we shall sit even on Friday.”

MR. SPEAKER:—“But the Legislative Council will be sitting on that day, and that means the Hon. Revenue Minister will have to be there in the morning and here in the afternoon.”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Apparently, Sir, negotiations are going on which will finally result in discussion in the Upper House and here going on simultaneously.”

MR. SPEAKER:—“We must certainly finish the discussion here before we begin there.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“I believe there is the Public Health Bill, which will be taken up on the first day in the Upper House. They may agree to take it up first. It is a heavy Bill.”

MR. SPEAKER:—“Yes, it is a heavy Bill, and . . .”

THE HON. SRI C. RAJAGOPALACHARIAR:—“The hon. the Leader of the Opposition is anxious more about the Health Bill; but he does not care for the health of the Hon. Ministers.” (Laughter.)

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Only yesterday morning I was advising the Hon. Premier to take care of his health in a public meeting. I do not know how many members more there will be who will speak.”

MR. SPEAKER:—“Fifty.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“We will leave it to you, Sir, to decide. We shall see as we proceed.”

MR. SPEAKER:—“Unless we have some understanding now it will be very difficult to finish. There are only two days; I think you can understand from this very clearly and also mathematically (laughter) we have altogether eight hours, to-morrow and the day after.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Why not we sit to-morrow and the day after from eleven to five.”

(Several Voices: ‘No, no.’)

SRI G. KRISHNA RAO:—“May I submit, Sir, that we shall sit from 3 to 8 o’clock to-morrow and the day after?”

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MR. SPEAKER: "Let the House know how many hours Mr. Krishna Rao wants." (Laughter.)

SRI G. KRISHNA RAO:—"If you want . . ."

MR. SPEAKER:—"What time does Mr. Krishna Rao propose to take up?" (Laughter.)

SRI G. KRISHNA RAO:—"I don't think I will take more than 40 or 50 minutes."

MR. SPEAKER:—"We will sit till 8 o'clock to-night. Mr. Mahboob Ali Baig will continue his speech."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Not necessary."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, I was on the subject that inams which are outside zamindaris have also been eliminated. I was submitting that the villager is the owner of the land, and that whether it is the inamdar or zamindar or even the Government itself, they are entitled only to rajabhagam, that is the share of the king. Except that, they are entitled to no other right. But that apart, Sir, I submit the ryots of the inam villages have also occupancy rights.

"I was very much surprised to see how the majority report could be inconsistent in the same Report. I fail to see how they can say that in the zamindaris, the villagers have got occupancy right, but not the villagers in the whole inam villages. It was so contended by the zamindars, and a lot of evidence was let in on the side of inamdars and inam tenants also; in fact, the inamdars have contended always, not only now but in 1908 when the Madras Estates Land Act was enacted, and also in the 1936 enactment they vehemently contended for their rights, and on the same theory the Legislature passed the enactment including inams also as an estate.

"Another contention is that the inamdars are owners of both varams. It is easy to meet that argument on the very theory advanced by the majority report; but I shall not take up the time of the House on that point.

"The second point raised is, 'Why not give us a chance to prove that we have all got both varams?' The answer is this: on account of the Privy Council decision by which the burden of proof lay on the tenant that the inamdars had only one varam, that is the melvaram, it was thought by the Government that the inam tenant being a weak person, he might not have all the documents in his possession and so he would be at a great disadvantage and that it would be an unequal contest. From 1908 onwards on account of the ruinous litigation the inamdars did not succeed.

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"The third reason is: how are you going to justify the right? It is proposed that the 1st November 1933 is to be taken as the date for fixing the nature of the right. Why should a man who has not any right at all be given a right merely because he happened to be in possession or in illegal occupation on that date? There must be uniformity in legislation; at some point or other it must be declared that inam tenants have got occupancy rights without putting these inam tenants to difficulty.

"There is another important matter. The question of rent has been favourably fixed in favour of the inamdars. It is in evidence that we should have competitive rent. By that, what is meant is that the man who competes to pay more rent will be given that land. The 1st November 1933 rent was fixed as the fair and equitable rent unless the contrary is proved. That competitive rent is much higher than the zamindari rate or the ryotwari rate. And what does the inamdar lose? He loses his right to eject only. Even if that was considered to be valuable, and when no compensation was to be given by the Legislative Council, the matter was referred to the Governor-General who asked that some compensation should be given and hence it was that where the inamdar proves that he had both varams, then one year's rental was considered to be the compensation. I do admit it, Sir. I am one of those who has no belief in divesting a vested right without giving compensation. In my minute of dissent, I have submitted that one year's rental is really very inadequate, if it is for State purposes or for public need, and especially in a case like this, it is for the Government to decide whether such compensation of a year's rental is fair or not. Personally, Sir, I suggest five years' rental may be given. But on this subject of the elimination of inams also I have suggested payment of compensation. By this, I have submitted, there shall be only one class of ryots who shall be directly responsible to the Government whose right it is to collect from the citizens contributions for the State's finances. So my proposal is—it is found in the last clause of my amendment—that there should ultimately be only one class of ryots who will be directly under the Government: there shall be no inam tenant, there shall be no zamindari tenant; all shall be ryotwari tenants whose duty and privilege it shall be to make their humble contribution to the coffers of the Government.

"One thing, Sir, and I have done. I think there is some doubt in this and that is why a Permanent Settlement has not been proposed. Perhaps it is the fear that they might offend some provisions of the Government of India Act, section 299 or so and some provisions in the Instrument of Instructions. But what section 299 says is that you cannot divest vested rights. The Government cannot acquire the rights of individuals. But you can do it for State purposes, for a common need and for national purposes on

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payment of compensation. I do not see, how we will offend section 299, according to my recommendation. In the Instrument of Instructions, it is said that the terms of the Permanent Settlement cannot be varied or altered without the consent of the Governor-General. Perhaps it is this fear, Sir, that is responsible for the majority report. I am sure, in the absence of these provisions, the majority would have agreed with my case. I cannot see, Sir, how even the Governor-General will oppose it, because, we are not taking anybody's right without giving anything. We are paying compensation and, therefore, there is no reason for us to fear that the Governor-General in a matter like this will refuse sanction. Or else, you had better make a first-class constitutional issue of this and I am sure, not only the Congress party, but all who have got the welfare of the people at heart, will join with you. And now, there is no reason why you should throw it away now. We see that the Governor-General granted sanction to the inams legislation of 1936 subject to payment of compensation. He has done it. There is no reason why we should be afraid. As I said, that is the suspicion behind the majority report. So I again appeal to you, Sir, by saying that this Permanent Settlement has destroyed the rights of the ryots. It is the duty of the Government to protect the rights of these ryots and restore their rights. But at the same time we must take into consideration the rights that have been acquired and pay compensation for them. We must introduce ryotwari rates in the inams and zamindaris and let them live in conformity with the ryotwari ryots. In the end, Sir, it is my desire that there shall be only one class of ryots, whose duty it shall be to make their humble contribution to the finances of the State."

MR. SPEAKER:—"Does Mr. Basheer Ahmed Sayeed want to speak?"

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I want to make a representation, Sir. I must ask your pardon for not being present yesterday, when my amendment was called. I was called away on some important work and could not be present here. I also expected that when I was away my amendment would be withheld and on my return, it would be called and I would be given an opportunity to move it. I was not aware of the procedure that was adopted while I was away and I had missed the occasion. I, therefore, request you, Sir, that I may be permitted to move that amendment in the same way, formally, as was done in respect to other amendments."

MR. SPEAKER:—"There are two amendments in his name; does the hon. Member wish to move the two amendments?"

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I gave notice of those two amendments as an alternative. The first amendment, which is longer, I do not move to-night."

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MR. SPEAKER:—"You do not move at all? Where is the alternative?"

BASHEER AHMED SAYEED SAHIB BAHADUR:—"The first one I do not want to move. The second one I wish to move in a slightly modified form of which I have given notice already. I will, therefore, ask for your indulgence to move it. I also submit, Sir, that as the amendment has already been circulated, it will not prejudice any issue that will be before the House."

MR. SPEAKER:—"Have you got a seconder for the amendment?"

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I hope to get a seconder."

MR. SPEAKER:—"Now find a seconder. Of course I thought that the amendment should have been moved yesterday. I allowed somebody else to move it but nobody was willing. That amendment I was perfectly willing to allow, because, whereas Mr. Baig's amendment seeks the ultimate abolition of the zamindaris under a transitional scheme of land revenue, the amendment of Mr. Basheer Ahmed Sayeed seeks to abolish the zamindaris under a scheme of liquidation on payment of a reasonable compensation. So, this is a rider over Mr. Baig's amendment and as such I would like to allow it. You may formally move it but not make a speech."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"I move, Sir—

'That on such consideration this Assembly is of the opinion that all the estates in the Province held by the landholders shall be liquidated on payment of just and reasonable compensation to be determined by an expert commission to be appointed by Government; that the compensation so determined shall be payable either in cash if possible, or in Government bonds redeemable within a period of ten years; and that for effectuating this scheme of liquidation the Provincial Government shall forthwith take all necessary steps including the raising of the required funds and the necessary legislation for fixation of the land revenue assessment payable by the ryots in the estates so liquidated.'"

H. S. HUSSAIN SAHIB BAHADUR:—"I formally second it, Sir."

MR. SPEAKER:—"Mr. Krishna Rao, do you propose to speak to-day?"

SRI G. KRISHNA RAO:—"I shall take my opportunity to-morrow, Sir."

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Khan Bahadur Mahmud Schamnad Sahib Bahadur rose.

MR. SPEAKER:—"I do not see any notes in the hands of Mr. Schamnad. I want to give precedence to people who have come prepared."

(Mr. Schamnad took some paper from the table. (Laughter.)

6- P. * THE ZAMINDAR OF BODINAYAKKANUR:—"Mr. Speaker, the Hon. Minister in his opening speech said that the peshkash payable by the zamindars in this Presidency is 44 lakhs and as the peshkash was fixed at two-thirds of the total revenue derived in 1802 the zamindars should be collecting only Rs. 66 lakhs whereas they are now collecting 2½ crores. The Hon. Minister assumes that the whole of this additional sum is due to the enhancement of rent. This, Sir, seems to be a very erroneous conclusion. He has not taken into account the large extent of waste land which has come into cultivation and the excess area brought to account by survey, commutation and conversion of dry to wet owing to improvements effected by the landholders, during the past 136 years. In fact, the amount of peshkash fixed was never exactly two-thirds. In some cases it was more and in some cases less, owing to various considerations prevailing at that time in each estate. As a matter of fact, in many of the estates in the south of the Presidency at any rate, the 1802 rates are still in force without any enhancement whatsoever. In this connexion I am glad that the Hon. Minister agrees that the zamindars have the right to enjoy the assessment on waste lands which have been brought under cultivation.

"Not only do the proposals deprive the zamindar of the right to enhance rent in case of improved water-supply but they impose additional obligation on him to construct new irrigation works without claiming any enhanced rent on that account. The zamindar cannot also call upon the ryot to pay any enhanced sum for any improvement of irrigation works executed at the expense of the Government, *even though he may be required to pay an additional sum to the Government.* This is extremely unreasonable and unjust. Here I may pause and ask the question. 'Do the Government execute such works in ryotwari tracts without enhancing the land revenue?' The answer is emphatically no. I may quote instances. The Mettur Project was originally intended as a protective work. But when the work was completed, the Government converted second-class sources of irrigation into first-class sources and charged enhanced revenue for lands already classed as wet and for which the Government were bound to supply water. The Government made this conversion and enhancement in spite of the protests of the ryots that the Mettur Project had not in any way improved the supply they were getting before. For all dry lands brought under wet cultivation, heavy rates of assessment have been charged. Similarly, lands under the new High

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Level Channel in Kulitalai and Trichinopoly taluks are heavily charged. Similar is the case with Periyar irrigation in the Madura district. Before Government undertake any irrigation project, enquiries are made to ascertain the probable income that will accrue. If it is not remunerative, the work is not undertaken (e.g., Tungabhadra and Bhavani projects). The Committee asserts, on the analogy of the ryotwari holders, that the ryots in zamin villages are the owners of the soil and that the zamindars are the assignees of Government's rights. If ryotwari tenants are not entitled to such concessions, I fail to see how the position of the ryots in estates calls for a different treatment. The amendments made to the irrigation chapter in the present Estates Land Act by the Act of 1934 have gone too far against the zamindar. The proposals now made are unjust and would be ruinous to landholders. Adequate provision should therefore be made for making reasonable enhancement of rent in cases where new irrigation works are constructed for the benefit of the ryots at the expense of the landholder and in cases where the zamindar is required to pay any additional sum to Government for any irrigation works constructed by the latter.

"The Committee recommends that there should be a statutory declaration that the ryots are entitled to remission where the land does not yield any produce for causes beyond their control. The Committee regards this claim to remission as an elementary right. How, it is not clear. The attitude taken by the Committee is curious and inconsistent. Where the rent is fixed in perpetuity and cannot be enhanced by the landholders or reduced by the ryot under any circumstances or for any reason, it seems strange that the Committee should suggest that the rent is liable to be reduced for failure of crops. No remission is, as a matter of fact, allowed to the landholders by the Government nor do the ryots pay anything in excess during prosperous years. And so, a statutory recognition of the right to remission owing to the failure of crops is unjust and expropriatory. In this connexion I may point out that even in Government areas remission is granted not under statutory provision but as a matter of grace. Even as a matter of grace, remission is granted in ryotwari areas, only in the case of the wet ayacut when there is no supply of water in the tanks. Even for the wet ayacut no remission is granted if the tanks happen to get a few days' supply of water, irrespective of the fact whether such a supply is enough to raise a crop or not. No remission is granted, to the dry areas, on account of the failure of the rains and crops except in years of extraordinary drought, flood or famine. Any legislation on this matter will tempt the ryots to claim every year a remission and will be a fruitful source of litigation full of evil consequences, both to the landholders and their tenants. The question of remission can therefore be left to the discretion of the zamindars and the mutual good will existing between the ryots and the landholders.

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"As the ryots already possess occupancy and transfer rights, a determination of the question as to who is the proprietor of the soil is neither expedient nor necessary, so long as the respective rights of the proprietor and the tenants are clearly defined. The conclusion of the Committee seems to have been based on a mis-conceived theory that the sovereign had no paramount right over the soil, but had only the right to collect the revenue from the ryots.

"As regards the rights to minerals, forests, etc., I will only dwell briefly on the subject. I would simply suggest that any rights granted to the ryots in zamindari areas regarding minerals, forests, etc., should not exceed the rights now enjoyed by the ryots in Government areas.

"In this connexion please permit me, Sir, to mention a few facts regarding my own estate, Bodinayakkanur. Centuries ago this estate formed part of the West Coast. At a time when much havoc was reported to have been done by some wild animals, the then ruler Poonaiyathu Thambiran who owned a great portion of the Western Ghats notified that whoever put an end to the havoc by the wild animals would be suitably rewarded. I invite the attention of the hon. Members to the early history of my zamindari on page 167 of Part II of the Report. I gather from my family records that the founder of this estate was given a gift of the jungle which sheltered the wild animals he killed. He thus got a jungle uninhabited, untilled and unreclaimed. He reclaimed it himself, formed villages, got people to settle there and gave them lands to cultivate. The estate has devolved on the successors in an unbroken line from the original founder. In due course after the introduction of the Permanent Settlement our estate was also settled and sanad granted. Perhaps other estates like Ammayanayakkanur and Gandamanayakkanur had a similar origin. But being unacquainted with their family history, I cannot say anything about them. The names of most of the estates in the South take after their original founders, the ancestors of the present zamindars and indicate their origin. The facts connected with my estate will show that the impression of the majority of the Committee that the proprietors of all estates governed by the Permanent Settlement Regulations were superimposed on previously existing ryots or village communities is wrong. The instructions to Collectors regarding the Permanent Settlement of the southern districts which provide for an allowance and the like to those who declined the engagement for the jumma proposed, also prove the recognition of the previous proprietorship.

"The survey of the lands in the estate is necessary in the interests of both the landholders and the ryots, though it should not be made compulsory, and the cost of the survey should be borne

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by the Government, the landholder and the ryots. The ryots are very much benefited by the survey and their exemption from liability to pay towards the cost of survey has no justification except on the ground that they should be receiving advantage at every step. In cases where subdivision of the holdings is to be effected at the instance of ryot, the cost should be borne entirely by the ryots.

"I wish to make a final appeal to the hon. Members. Let me not be misunderstood as being opposed to any ameliorative measures on behalf of the ryots. The ryots as well as the landholders may have their grievances and effective measures may be passed to redress the grievances whenever and wherever necessary. Any piece of legislation that is introduced should be just and impartial. The ryots as well as landholders are equally the subjects of the State and have to be treated fairly and impartially. The prosperity of the zamindars and the ryots and the smooth running of the revenue administration in estates depend a good deal on the cordial relationship existing between the two. This cannot be achieved unless the Government holds the scales even, without attempting to benefit the one at the expense of the other. Any legislation that adjusts the rights and relations of the tenants and landholder in a just and equitable manner will be quite welcome. But a wholesale interference with the existing relationship to the utter detriment of the landholders' interests is absolutely uncalled for and will lead to discord and evil consequences in the near future and is sure to have repercussions in other areas also."

* KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR:—"Although I come from Kerala—South Kanara is indeed a portion of Kerala—I have decided to speak on this question not only because this a very important question but also because this is an all-embracing question. The people in Kerala also may be engulfed in his whirlpool.

"After the Assembly had the advantage of listening to the very learned, interesting and exhaustive speech of the Hon. the Revenue Minister, the equally lengthy reply of the Zamindar of Mirzapuram, the able appeal of Mr. Bower to consider the question unbiased and also the different analyses of the question by the succeeding members, I do not think it necessary to travel far and wide and repeat the same arguments again and again. So I shall come to the point immediately. The important question to be considered here is: Who is the owner or the proprietor of the soil? Is it the zamindar or is it the ryot? What is the rent that has to be paid? Whether that rent has been already fixed permanently or has to be fixed. My friend Mr. Mahboob Ali in the guise of supporting the ryot has smashed the case of the ryot. He has stated that the Patta Regulation, the other Regulations of

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the Permanent Settlement and all enactments contain nothing which shows that the proprietor of the soil is the ryot. He says on the other hand the zamindar is right in claiming on these documents that they are the proprietors. But the Hon. the Revenue Minister has based his argument chiefly on the Permanent Settlement Regulations, the Patta Regulation and even the Estates Land Act and other things that took place after 1802. Mr. Mahboob Ali wants to base his argument on some imaginary rights of the ryots which are said to have been sanctioned in the Code of Manu and other ancient books. I do not know whether Mr. Mahboob Ali does it intentionally or not in saying that the owner or the proprietor of the soil as evidenced by the Regulations is the zamindar. Even during the time of the Hindu and Muhammadan rulers, it was recognized that the ownership of the land vested in the rulers. Even after the English became the rulers of this country, they were also considered to be the proprietors of the soil; otherwise there was no reason for periodical settlements to raise the rates of assessment once in thirty years. If the Muhammadans and English rulers were and are the owners of this country, many of the zamindars who had been also rulers and chieftains must be owners also. This point will be borne out by what is contained in page 24 of Appendix IV in the Appendices Volume. This is what is stated there:—

7 p.m. 'In the year 1786, when the Committee of Circuit were pursuing their enquiries, the Court of Directors by their revenue letter dated the 28th April 1786 drew the attention of the Madras Government to their views on the system of Permanent Settlement of land revenue . . . The military establishments of the Zamindars also prevented the Company's servants from pursuing any detailed enquiries.

'It had been found from the beginning of the possession of the Northern Circars and later on the cession of the Southern and Western Poliams by the Nabob of Carnatic that the East India Company could not have its own way; for both Zamindars in the north, and the Poligars in the south were Chieftains of the places with military strength of great proportions.'

"It is also said there that they were the rulers and chieftains, and they were in possession of the land. The object of the British Government in transferring the right to these people was to enable them (the British Government) to get into the possession of the land easily. They said, 'You had better administer these estates; you had better look after them and give us a certain portion of the revenue as peshkash.' That is the position with regard to the proprietary right of the zamindars.

"The Hon. the Revenue Minister quoted freely from the speeches made by Mr. Crole in the debate on the Tenancy Bill of 1898, but after all the statement of Mr. Crole is his own opinion and ultimately that Bill was withdrawn. The Hon. the Revenue Minister also quoted from the speech of Mr. Forbes. But there also it was his own opinion, because in the Bill as passed finally is the decision of the Government.

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"Then in Appendix IV at page 25 of the Appendices Volume you will find the following passage:—

'The Board of Revenue on 15th October 1799 issued their instructions to the Collectors of the districts explaining the basis of the Permanent Settlement.

'The Instructions are printed as one of the Appendices (V-A and V-B) but for the sake of convenience of reference some paragraphs are extracted below. Referring to the principles of the settlement, they proceed, "They may be reduced under the following heads; viz:—

'Constituting the zamindars proprietors of their respective zamindaris, as estates.

"So, it will be clear that even in the instructions to the Collectors for introducing Permanent Settlement, they considered the zamindars as proprietors of the soil.

"As regards tenants, nowhere you will find it stated that they are the owners or proprietors of the soil. On the other hand, it has been held in 20 Madras and 23 Madras that they are not the proprietors of the soil. The learned Judges there define the ryots as having nothing more than occupancy right. This opinion has also been upheld in the Privy Council in 47 Madras. Their view was that kudivaram right was permanent occupancy right. Even in the case of waste lands, the zamindars had the proprietary right. In the same Appendix, paragraph 27 of the instructions to the Collectors at page 27 of the Appendices Volume you will find the following passage:—

'It is well known that in the Circars there are very extensive tracts of uncultivated, arable and waste lands forming part of every zamindari. These are to be given up in perpetuity to the zamindars free of any additional assessment with such encouragement to every proprietor to improve his estate to the utmost extent of his means.'

"This shows, Sir, that even the waste lands had been given to the zamindars and so we cannot now say that the zamindars have no right for the waste lands or for making any improvements therein without any additional taxation. All these rights have vested in them. In addition to the revenue they derived from the cultivated lands, the revenue derived from the waste lands also they could appropriate to themselves. They have been authorized to grant pattas or leases to persons for bringing waste lands into cultivation. This will be evident from section 15 of the Patta Regulation XXX of 1802 found on page 105 of the Appendices Volume. This is what that Regulation says:—

'Nothing contained in this Regulation shall be construed . . . nor from granting pattas for clearing and bringing waste lands into cultivation.'

"Then in Board's Proceedings No. 7743, paragraph 80 (page 185 of the Appendices Volume), it is stated:

'In those portions of the country in which the Land Revenue has been "Permanently Settled" (so far as the State receipts are in question), the Government have transferred their right to an increase of revenue through the enlargement of the cultivated area to the zamindars.'

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"So, from the above, it is also clear that they were entitled to the revenue from cultivated lands as well as waste lands and to an increase of revenue by issuing pattas to other persons.

"Then on page 41 of the Appendices Volume, in a note by the Secretary to the Committee about the cultivator's share, he quotes from Mr. Grant's survey of the Northern Circars. There he says that 50 per cent of the gross income is the cultivator's share.

"From the above it is not difficult to find out the share of the zamindar in the produce of the land. Now we are told that the rate of rent has been fixed permanently in the Patta Regulation. I submit that it is not. It is only the permanent right of the zamindar to the land that has been so fixed. Moreover it will be seen that patta was to be renewed year after year and not like sanads which were issued to the zamindars fixing his right permanently and unalterably. If the rate of rent was fixed permanently and unalterably, there was no necessity for renewing the patta year after year. It will be seen from section 13 of the Patta Regulation found on page 105 of the Appendices Volume, that 'where estates or parts of estates may be sold or transferred for the liquidation of arrears of rents or revenues due to the Government, such pattas as may have been granted by the former proprietor shall cease to have effect at the end of the fasli in which such lands may be sold and new patta shall be issued by the purchasers of such estates from the commencement of the following fasli.' So unless the zamindar was considered the proprietor of the soil, this right of issuing new pattas would not have been vested in him. Now according to the terms of the Permanent Settlement, the Government have no right of ousting the zamindar for any arrears of rent. They can collect their arrears by a sale of the estate or by some such means and thus only recover their peshkash. Therefore, Sir, from all the documents, judicial decisions and the enactments after 1802, it is conclusively proved that the proprietor is the zamindar, that the tenant has got only occupancy right, that the rent was not fixed in the Patta Regulation, that the zamindar has a right to 50 per cent of the gross income and that we are not to go to 1801 to find out the gross income because it is not only impracticable but it was not also the intention, as it was provided that the pattas should be issued soon after the Permanent Settlement. It was provided that pattas were to be given within six months of the Permanent Settlement and if within those six months the pattas were not issued, then the ryots could go to court, which should refer to 1801 to find out the assessment which prevailed then and if even then the assessment was not easily available, it was to be found out from the assessment on the neighbouring lands. It was not at all the intention that for all time to come we have to go back to 1801 to find out the gross income. Moreover, the rent was paid in kind at

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that time and in commuting that rent we have to take into account the prices prevailing now. It is not practicable to go back to 1801 to find out the rates, the prices and all such things. Therefore, what I suggest is that this important question should be considered by unbiased minds and some means should be found out by which justice will be done both to the zamindar as well as the tenant. It would be expedient also, if the Government think fit, to appoint a judicial committee who will be able to bring their judicial mind to bear upon this question and decide it justly and fairly once for all. My hon. Friend, Mr. Mahboob Ali Baig, has suggested in his amendment that the estates may be purchased and that the zamindars may be given compensation. Something similar to that has been suggested by Mr. Basheer Ahmed in his amendment. If the Government think it proper, I would have no objection to that also. But the best thing will be to have this matter considered by unbiased minds and decided in a most equitable manner possible without injuring cause of either party."

* SRI D. NARAYANA RAJU:—"Mr. Speaker, I agree with the mover of one of the amendments, Mr. Mahboob Ali Baig, to some extent, that is, that the zamindari system should be abolished or that it deserves abolition. It is common knowledge that the zamindari system and the Permanent Settlement were brought into existence at a time when a middleman was found necessary by the then Government of the day. But times have changed and for the collection of the revenues, the Government do not now require the help of any middleman. The middleman instead of being a help to the Government, is more a drag on them. Instead of the middleman assisting the Government, the Government have to assist the middleman to collect the revenues from the ryots. For, what do we find in these zamindaris now? Without the help of the Revenue establishment, the Civil Courts, the Police and other Governmental machinery the zamindar is not able to collect his rents. Therefore, the Government have to assist the zamindar instead of the zamindar assisting the Government. So, clearly the zamindari system has outlived its utility and, what is more, from the whole of the zamindari areas in the Presidency the Government are getting only about Rs. 41 lakhs, while they have to spend more in the zamindari areas. They are running the whole administrative machinery as in the rest of the Presidency, they have got the Revenue department, the Police, the Civil Courts and everything. On this administrative machinery they are spending more than Rs. 41 lakhs. At a moderate estimate we may say that the Government are spending about Rs. 1 crore in the zamindari areas of the Presidency, while they are getting only Rs. 41 lakhs as peshkash from the whole of the zamindari area. Thus this zamindari system is a loss to the general community instead of being a gain in any way. Further, the disputes between the zamindars and their tenants cannot be put an end to at any time

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without abolishing the zamindari system. The dispute between the zamindar and the tenant has been going on in one shape or other for the last 136 years, ever since the Permanent Settlement. This dispute has come up for decision either before the courts or before the Government in one shape or other. I do not think that we can frame any law which will finally put an end to these disputes. These disputes have had to be adjudged by the courts or legislated upon by the Legislature from time to time. Therefore, for this reason also the zamindari system has to be put an end to sooner or later. It is bound to go, because intrinsically it has outlived its utility.

“But, Sir, the present question is, what are the powers of the zamindars; are they now acting within their rights and powers? The zamindar is no doubt an agent of the Government but we find that this agent is not acting within the limitations of the powers conferred on him. He is exceeding the limitations and, what is more, he is assuming more powers than the principal himself. The main question in the report is this: whether the ryot is the owner of the soil or not. With regard to that, I think the majority report has made the point quite clear. According to the common law of the land, as well as the authorities on the subject, the ryot has been found to be the owner of the soil. With regard to this point all the members of the Committee except the zamindar member were unanimous. They have all agreed on the point that the ryot is the owner of the soil and not the zamindar.

“Now, Sir, connected with this finding there are other very important things, such as the right of the ryots to enjoy the forest produce, irrigation sources, communal porambores and so on. All these matters turn upon the basic point that the ryot is the owner of the soil and not the zamindar. If we examine these things in some detail we will find that the zamindar is exercising powers which the Government themselves are not exercising with regard to the forests, communal lands and irrigation sources. I will just show how.

“With regard to the irrigation sources, the executive Government had to arm themselves with an Act before they could levy any cess. So an Act was passed in the year 1865 called the Madras Irrigation Cess Act. The preamble to that Act states that whereas large expenditure out of Government funds has been and is still being incurred in the construction and improvement of works of irrigation and drainage, it is right and proper that an adequate return should be made to the Government on account of the increased profits derived from the lands irrigated from such works and so on. Sir, the Act was called the Irrigation Cess Act and not the Irrigation Tax Act. Therefore, the cess that is imposed by the Government is a return for services rendered by the Government. It is not in the form of any taxation which the

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Government as such are entitled to levy. The cess is only a return for the expenditure incurred by the Government on the construction and improvement of works of irrigation, and not on their maintenance. The omission of the word ‘maintenance’ is significant. Since the Government receive the general taxes from the people they have to maintain the irrigation sources. For mere maintenance they are not entitled to levy any cess. It is only when they spend large sums of money on construction and improvement of irrigation works that they are entitled to levy any cess. Now what do we find in the case of the zamindars? They have not incurred any expenditure on the construction and improvement of any large works of irrigation. They are even neglecting to maintain in proper order the existing works. That is the finding of the Committee. Still the zamindars are getting this income and claiming the control of the irrigation sources. Whereas even the executive Government of the day are not as of right entitled to such control, unless they are armed with an Act of the Legislature; the zamindars, without any Act whatsoever, without properly maintaining the irrigation sources, claim control over irrigation sources such as streams, tanks and so on. Here is a point where the agent is exercising powers which are not being exercised by the principal himself.

“Now let us come to the forests. We have the Madras Forest Act of 1882. If we examine its provisions in some detail, we will find that the Government as such were not claiming complete ownership over these forests. They have recognized the customary rights of the ryots in the neighbourhood. Here for the purpose of this Act, land was divided into two classes, land at the disposal of the Government and the land not at the disposal of the Government. With regard to the land that was not at the disposal of the Government, they had to acquire it as in the case of any other private land. Even with regard to the land at the disposal of the Government, several restrictions were imposed on the Government by this Act. If the Government want to reserve any part of the land at their disposal as reserve forest, they will have to notify and this notification has to be published in all the towns and villages in the neighbourhood; a Forest Settlement Officer has to be appointed and he must give not less than three months’ notice to all the inhabitants in the neighbourhood; he must then hear their claims, their claims to occupancy rights, to water-courses and to forest produce, etc. All these rights are vested rights enjoyed by the ryots and were recognized. All such representations must be heard by the Forest Settlement Officer. He must also hear the Forest Officer; the Forest Settlement Officer must arbitrate between the Government and the ryots in the neighbourhood. All his decisions on these points are appealable to a special court, the Forest Court consisting of the District Judge, the District Collector and a non-official. The Special Forest Court is empowered to hear

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appeals from the decisions of the Forest Settlement Officer. Therefore, it is clear that the customary rights of the ryots in the neighbourhood were recognized; they can be commuted by paying compensation; they may be acquired or they can be allowed to be exercised under some restrictions. All these powers were given to the Forest Settlement Officer. In the exercise of these powers, the Forest Officer might do wrong to the ryots; but the ryots have got the right of placing forward their claims for pasture, for forest produce and for everything connected with these forests. Therefore, the executive Government do not claim to be the absolute owners of even the lands that are at the disposal of the Government.

“The Government are empowered to make rules with regard to certain matters. They can impose certain restrictions with regard to the clearance of the land for cultivation, for collection of the produce of the land, for quarrying, for cutting grass, or for hunting or fishing, etc. For all these things, the Government are empowered by the Legislature to frame rules, to impose certain restrictions in the matter of the exercise of the rights. Even with regard to the forest land that was not classed as reserve forest land—though it was at the disposal of the Government—they had to be guided by certain rules and regulations which they were empowered to frame under the Act. As executive Government, they were not entitled to do all these things without the concurrence of the Legislature.

“What do you find in the case of the zamindars? They have not been empowered by any law to deny or interfere with the customary rights of the ryots. Yet the ryots are not allowed fishing or shooting in the forests. Even if any wild animal comes from the forest, enters into the field of the ryot and destroys the crop, the ryot cannot shoot it. The ryots have been taken to task for driving away the wild beasts that spoil their fields. All these rights are being arbitrarily exercised by the zamindar; such rights are not enjoyed even by the Government. The zamindar is clearly exceeding the limits of his agency. His rights have been restricted by the conditions imposed on him by the Permanent Settlement. The simple question now is this: they must not be allowed to exceed their powers.

“Sir, my hon. Friend, Mr. Mahboob Ali Baig asked, ‘So long as these zamindaris are allowed to exist, why not introduce the ryotwari system of tenure in the zamindari areas also?’ There is an impression that the settlement in ryotwari areas is somewhat perfect and scientific. It is not so. What do you find? Let us examine the factors that constitute the settlement operations. The Settlement Officer must first classify the land into the main classes according to the origin and mechanical nature of the soil, etc. Each class is subdivided into various sorts according to its

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fertility and the chemical composition of the soil. The next process is to ascertain the grain outturn of each of these kinds of land. For this purpose, the officer has to carry on experiments for a series of years and then ascertain the actual outturn. He has to make a deduction of 8 to 25 per cent on account of the vicissitudes of the season. After thus ascertaining the net produce, he has next to find out the money value of the grain outturn. He is expected to ascertain the average selling price of the standard grains in the ryots' selling months for a series of years, generally for a period of twenty years. Then he must make a deduction of 8 to 20 per cent for cartage and merchants' profit. The balance, after making this deduction, is known as the commutation rate. The grain outturn is then converted into money value at this rate. Even here, the process does not come to an end. He has to ascertain the cultivation expenses taking into account various factors which govern each kind of soil. The difference between the money value of the grain outturn and the cultivation expenses is the net value of the produce of a particular kind of soil. These are the various operations that have to be carried on by the Settlement Officer at the time of the first settlement. With regard to resettlements, of course, the Government have come to this decision, namely, in districts where the land revenue has been adequately assessed, they need not go into the reclassification of soils and the calculation of the value of the grain outturn afresh. The rates have to be revised solely with reference to the rise in prices. With regard to enhancement of rates also, certain limits are imposed; the enhancement with reference to the rise in prices should not exceed 18½ per cent. This is the elaborate procedure that has generally to be gone through, in connexion with settlements and resettlements; this may look very perfect and scientific on paper; but actually it is not so. Instead of giving my opinion, I shall just quote the opinion of an authority on this point, namely, Mr. S. Srinivasaraghava Ayyangar who was deputed by the Government to prepare a memorandum. Mr. S. Srinivasaraghava Ayyangar in his memorandum on the progress of the Madras Presidency says thus:

‘The Madras settlement operations, though conducted under elaborate rules, resolve themselves in the final result into the simple method adopted in Bombay, firstly because the minute and extended enquiries which they involve are in most cases impossible to carry out and have frequently been dispensed with; secondly because none of the data on which reliance has to be placed, such as prices of food grains in former years, is perfectly trustworthy; and thirdly because the determination of the rates of assessment with reference to a large number of factors, slight errors in regard to which might seriously vitiate the total result, is apt to make the assessments excessive. Hence, the first step in the Madras settlement is practically determined on general considerations whether the tract coming under settlement requires a decrease or will bear an enhancement of land revenue and to what extent. The total amount of assessment to be imposed having thus been decided upon, the results of the process above described are adjusted so as to yield it.’

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“ Therefore, in spite of all these elaborate rules and complicated processes the amount of assessment to be imposed on a particular tract is fixed by a manipulation of the process so as to lead to a particular conclusion; that is what is being done. Such being the case, we cannot say that these resettlements carried on in ryotwari areas are perfect and free from mistakes. Not only that; in olden days, the ryots had been enjoying certain advantages; they had been enjoying the use of common lands, fisheries and so on. These relieving circumstances are not present now. The system of land revenue has become very rigid and inelastic. All those circumstances which were of some relief to the ryot, do not exist now; there are no common lands; he cannot shoot wild animals even if they destroy his crops; his facilities for grazing his cattle are reduced. Therefore, he is suffering from all these disadvantages at present. In the olden days, he had several other occupations. If the land cannot be cultivated in a particular year, he can take up to other avocations. Those avocations and occupations are not now present in the country. He has to confine himself only to the land; further the land that is newly brought under cultivation is not keeping pace with the increase in population; population has increased and the cultivated land has not kept pace with the increase in population; subsidiary occupations have died out. What do you find therefore? All this is leading to low production and heavy indebtedness of the ryots. No doubt it is affecting the land revenue. The occupation of agriculture is not now paying, as in the olden days. Further, the present system of land revenue is based too much on averages, i.e., on average rain-falls, average irrigation supplies, average outturns, average prices, and so on. These averages may look very nice on paper, but they are really creating trouble. Therefore, I say that the present land revenue system is based too much on averages, and it is not scientific.

“ Again, there is a fundamental error in the present system, viz., it is supposed that it is the land that pays the revenue and not the ryot. The fertility of the soil alone is taken into account; the outturn from the soil alone is taken into account; the ability of the person who cultivates the land is not taken into account. The question whether the ryot is in a position to pay the tax or not is not at all taken into account. The position of the cultivator, his maintenance, his standard of living, all these are not taken into account. And the present system is not therefore in consonance with modern canons of taxation. This ancient and rigid system is making the already less prosperous ryots worse off and helps the richer people to gain advantage. The incidence of the land-tax is not evenly distributed according to the ability of the cultivator; it is distributed according to the nature of the land alone. This is the fundamental difficulty which has got to be

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removed. I am sure the Hon. the Revenue Minister will, in the near future, reform also the system of land revenue assessment obtaining in the ryotwari areas.

“ But the agitation to remodel the land revenue system is a separate issue and is not connected with the present zamindari problem. There is an apprehension abroad that if the rates were reduced to the 1802 level in the zamindari areas, there would be an agitation for corresponding reduction in rates in the ryotwari areas. I can assure the Government that nothing of the kind will happen. The ryots in the ryotwari areas are not so bad as to demand that the disparity between income and expenditure of the Government in the zamindari areas must be there in the ryotwari areas also. The ryotwari ryots are not after all so unreasonable as all that; we can rely upon their reasonableness. Further, merely because the ryots in the zamindari area are now to be benefited to some extent by going back to the 1802 level, it does not mean that the ryotwari ryots would envy them. The zamindari ryot has been oppressed for a long time; and if now he is going to enjoy some advantage, the ryot of the ryotwari areas will not grudge it. When the zamindari ryot was oppressed with heavy rents, the ryotwari ryot was not able to help him; why should he now grudge an advantage to him? Therefore, I say that this misapprehension that a reduction of rates in the zamindari area to the 1802 level will automatically lead to agitation in the ryotwari area for a corresponding reduction, is not justified.

“ As I have already pointed out, the land revenue system even with regard to ryotwari areas has to be re-examined and brought into conformity with modern canons of taxation. That is altogether a different question and a different problem, which I am sure the Hon. the Revenue Minister will address himself to in the near future. Sir, I heartily support the amendment moved by my hon. Friend, Mr. Kala Venkata Rao and oppose the other amendments.”

* SRI B. BHAKTAVATSALU NAYUDU:—“ Sir, I rise to place before the house the layman's point of view. The agitation of the zamin ryots to place them on the footing of the ryotwari ryots is more than justified by the findings in the Report of the Madras Estates Land Act Committee. That the ryot is the owner of the soil subject to the payment of a tax is accepted on all sides, and that the finding of the majority that the cultivator of the permanently settled estate is entitled to the same rights which a ryotwari cultivator holds under the Government is acclaimed even by those who added their dissenting minutes. There is also unanimity of opinion that, whatever agency is employed by Government to collect the taxes and whatever property rights are created in the melvaram rights consequent upon the passing of the Regulations of the Permanent Settlement, the obligations of

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the State as the Sovereign in relation to the ryots to guarantee fixity of tenure, fixity of rates and security against rack-renting, to provide irrigation facilities and to maintain them in order, to survey every one of the estates and to safeguard all customary rights and other necessary natural facilities for the zamindari ryots to enjoy their lands, cannot any longer be ignored, or made a matter of stipulation or of adjustment between the zamindar and the zamindari ryot. The State and the Government as such are primarily and directly responsible to the zamindari ryots also to provide all these facilities as in the case of the ryotwari ryots; and as long as the Government take a portion of the rents or taxes paid by the zamindari ryots as peshkash, the duty of the Government to return the sum represented as peshkash in some form or other to the zamindari ryots cannot be easily ignored. It is a pity that since 1802 the Government have not been alive to this aspect of the matter. I may boldly proclaim that if the return by the Government to zamindari ryots can be in the reservation of the amounts of peshkash or a portion of it for the formation, repair and maintenance of irrigation facilities in the zamindaris and for some scheme of economic development of the zamindari areas, the zamindars and the zamindari ryots would be greatly relieved and contentment and peace will prevail in all the zamindaris. Owing to neglect in the past the Government will therefore, be well advised if for a few years to come the whole of the peshkash is wholly set apart for the improvement of the estates and the same is statutorily recognized.

“As to the rents in the estates, the principle that they should be fixed unalterably and should not be liable to be enhanced when once fixed in money, has been recognized as early as the days of the Permanent Settlement, and the salutary principle that the amount of it should not exceed the capacity of the land to pay, cannot be ignored, even if the rents prevailing prior to 1802 are in any case to be adopted. On no reasoning can the rents be more burdensome than in the case of the ryotwari ryots similarly placed, for that would be missing the objective, and it would be absurd to impose more heavy and burdensome rents than those existing at present, on the ground that the rents of 1802 should invariably apply to all cases. The facts reveal that the rents in 1802 in Karvetnagar and other zamindaris were not the ayan rents only but also include rusums and illegal cesses which grew adventitiously and in spite of the best efforts could not be weeded out. The cry that the rents (grain or grain and money rents) prevailing in 1802 were themselves oppressive cannot go unheeded. Therefore, for fixing the rates, such principles must be adopted as that the rates should not be in excess of the rates in the neighbouring ryotwari areas, that in no case the existing rates, if found favourable in comparison with those of 1802, should be subject to revision and

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that the present capacity of the land to bear the tax should be taken into account. In short, in the interests of justice and fair play the rate of 1802 or the ryotwari rate or the existing rent whichever is lower, should be confirmed and fixed as the unalterable rent of the holding. I may mention that it would be cruel to adopt, on the other hand, the theory of the ‘established rates’ propounded by the majority in the Report which is calculated only to cause hardship under the guise of alleviating the misery of the zamindari ryots. The time within which these rates have to be finally settled should also be fixed in the statute and thereby the necessity for the repeal of the provisions relating to enhancement and reduction of rent and commutation of rent would become self-evident. The grant of remission of rent should be subject to rules such as those contained in the Board’s Standing Orders and also to the control of the Board of Revenue, and the policy in regard to the grant of remission should be controlled and guided by the Legislature as in the case of the ryotwari ryots.

“Coming to the question of inams, the cause of the inam ryots has greatly suffered at the hands of the majority in the Report. The customary law governing other cultivators is made to take a different course in regard to the ryots cultivating and occupying lands in inam villages. Whereas in the case of the law relating to estates, the majority is prepared to concede that time and again there were errors committed by legislative bodies and is also prepared to entirely change the course of it, it has somehow gone to the length of committing a mistake in the case of inams on the ostensible ground of respect for law. Taking advantage of a slender plea that in the Regulation XXI of 1802 the possession of the inamdar is a criterion in judging the recognition of an inam, the majority proceed to the view that the inamdar was in actual possession and cultivation of the land and therefore in the case of “excluded inams” at least it should be supposed that the inamdar becomes the holder of the occupancy rights in all the lands in the inam, and though the rent is remitted his status as a ryot should be undisturbed. This I submit is going farther than what the inamdars themselves contend for. This position of the majority is certainly unjustifiable and has to be seriously questioned. By parity of reasoning of the sort adopted by the majority in the Report, the inam ryots have been time and again denied their legitimate rights. But by the persistent efforts of the great benefactor of the ryots, the late lamented Diwan Bahadur B. Muniswami Nayudu, great number of ryots in inams were delivered from their serfdom; and it may not be out of place for me if I have to sound a note of warning that the effect of the proposal of majority to take out the ‘excluded inams’ from the purview of the Estates Land Act will be calculated to deny the barest justice which inam ryots richly deserve, at least after so many long years of serfdom and slavery.

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"The discussion whether or not the zamindar is only a collection agent or the proprietor of the melvaram does not so much interest the zamin ryots. The fact remains that to-day a property in melvaram which is heritable and alienable is undoubtedly recognized and relied upon in the business transactions of the body politic. Whether such a right is to be denied and dismissed by propounding a theory, or to face the real situation and efface the further existence of such a property by compensating the affected vested interests, is a matter of policy for the State which this House should deeply consider. In any case, I submit that any dispute in regard to this can in no way affect or alter the claims of the zamindari ryot and the duty of the Government towards them."

The House then adjourned to meet again at 3 p.m. the next day.

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APPENDIX I.

[Vide answer to starred question No. 662 asked by Sri K. V. R. Swami at the meeting of the Legislative Assembly held on the 24th January 1939, page 480 supra.]

Statement showing the places in the Madras Presidency which are fit for sericulture.

The whole of Kangayam plateau in the Coimbatore district.

The whole of Hosur subdivision and Shevaroy Hills in the Salem district.

Madanapalle subdivision, including Madanapalle and Punganur taluks in the Chittoor district.

Kudligi taluk in the Bellary district.

The whole of Malabar district.

The whole of the Nilgiris district.

Neighbourhood of Vizagapatam in the Vizagapatam district.

Neighbourhood of Ellore in Kistna district.

Guntur and neighbouring places in Guntur district.

Pudupettai area in North Arcot district.

Vadakangulam area in the Tinnevely district.

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Description of articles and places from which imported. (1)	1934-35.		1935-36.		1936-37.	
	Quantity. (2)	Value. (3)	Quantity. (4)	Value. (5)	Quantity. (6)	Value. (7)
	TONS.	RS.	TONS.	RS.	TONS.	RS.
IRON OR STEEL—cont.						
4 Fencing materials (including fencing wires) ..	666	1,57,731	1,018	1,71,873	705	1,39,401
United Kingdom. ..						
Belgium. ..						
Poland. ..						
Germany. ..						
Denmark. ..						
Czechoslovakia. ..						
United States of America. ..						
Austria. ..						
Canada. ..						
Japan. ..						
Netherlands. ..						
15 Hoops and strips ..	2,606	3,65,112	3,405	4,83,489	2,417	3,43,769
United Kingdom. ..						
Germany. ..						
France. ..						
Japan. ..						
Luxemburg. ..						
16 Nails, rivets and washers (excluding wire nails). ..	771	3,04,897	1,168	4,40,093	796	2,88,212
United Kingdom. ..						
Netherlands. ..						
Belgium. ..						
Czechoslovakia. ..						
Finland. ..						
Sweden. ..						
France. ..						
Denmark. ..						
Germany. ..						
17 Iron or steel—old for remanufacture ..	261	13,704	202	2,895	1	26
United Kingdom. ..						
Iran. ..						
Ceylon. ..						
18 Pipes and fittings, cast ..	362	1,71,088	107	84,306	75	46,871
United Kingdom. ..						
France. ..						
Belgium. ..						
Japan. ..						
Germany. ..						
United States of America. ..						

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19 Rails, chairs and fishplates (including those for Railways) ..	350	75,934	2,097	1,94,129	847	1,32,566
United Kingdom. ..						
France. ..						
Germany. ..						
Java. ..						
Netherlands. ..						
United States of America. ..						
Belgium. ..						
20 Screws ..	290	1,30,240	226	99,977	277	1,17,822
United Kingdom. ..						
Italy. ..						
Austria. ..						
Poland. ..						
Czechoslovakia. ..						
Japan. ..						
France. ..						
Sweden. ..						
Belgium. ..						
21(a) Sheets and plates, galvanized, corrugated ..	1,858	3,67,031	2,162	3,86,903	916	1,57,788
United Kingdom. ..						
Germany. ..						
Japan. ..						
Belgium. ..						
United States of America. ..						
(b) Sheets and plates, galvanized plain ..	1,649	3,53,712	1,306	2,60,656	961	1,70,745
United Kingdom. ..						
Germany. ..						
Luxemburg. ..						
Japan. ..						
(c) Sheets and plates, tinned ..	802	2,74,834	1,032	3,63,401	244	1,06,928
United Kingdom. ..						
France. ..						
Japan. ..						
Germany. ..						
Italy. ..						
United States of America. ..						
(d) Sheets and plates, not galvanized or tinned ..	3,367	4,90,117	2,833	3,98,018	2,784	3,85,049
United Kingdom. ..						
Luxemburg. ..						
Germany. ..						
France. ..						
Japan. ..						
Belgium. ..						
22 Sleepers and keys of steel or iron for railings ..	879	1,62,149	1,273	1,87,337	352	86,773
United Kingdom. ..						
Germany. ..						
Netherlands. ..						
Morocco. ..						

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Description of articles and places from which imported.	1924-25.		1926-27.	
	Quantity. (2) TONS.	Value. (3) RS.	Quantity. (4) TONS.	Value. (5) RS.
IRON OR STEEL—cont.				
23 Tubes, pipes and fittings wrought				
United Kingdom.	3,167	7,45,307	6,316	10,88,589
Straits Settlements. Germany.				
Netherlands. Canada.				
Belgium. Sweden.				
Japan. Czechoslovakia.				
United States of America.				
24 Wire nails	2,639	4,40,803	3,702	5,51,147
United Kingdom. Luxembourg.				
France. Sweden.				
Italy. Poland.				
Austria. Germany.				
Hungary. Netherlands.				
Czechoslovakia. Japan.				
Belgium. United States of America.	301	1,83,448	138	91,215
United Kingdom. Germany.				
25 (a) Wire rope, black				
United Kingdom. United States of America.	108	48,232	162	41,351
Belgium. United States of America.				
(b) Wire rope, galvanized				
United Kingdom. Japan.				
Germany. United States of America.	686	1,20,518	743	1,15,174
26 Wire—other than fencing wire				
United Kingdom. Austria.				
Sweden. Hungary.				
Germany. Czechoslovakia.				
Netherlands. Japan.				
Belgium. United States of America.				
France. Italy.				
27 Other manufactures of iron or steel	1,686	4,49,762	1,926	4,48,591
28 Buckets, tinned or galvanized iron	Value.	9,720	..	6,543
United Kingdom. Germany.				
Sweden.				

29 Builders' hardware (excluding cutlery and electroplated ware).

United Kingdom. Germany.	..	4,07,405	..	5,14,653	..	4,47,863
Ceylon. Belgium.						
France. Sweden.						
Japan. Norway.						
Netherlands. Straits Settlements.						
Czechoslovakia. United States of America.						
Domestic hardware	..	1,53,501	..	1,89,698	..	2,44,988
United Kingdom. Estonia.						
Sweden. Ceylon.						
Denmark. Straits Settlements.						
Germany. Australia.						
Belgium. Finland.						
France. Austria.						
Japan. Hungary.						
Czechoslovakia. United States of America.						
Enamelled ironware	..	2,51,858	..	3,00,730	..	2,00,946
United Kingdom. Italy.						
Sweden. Hungary.						
Austria. Poland.						
Czechoslovakia. Germany.						
Japan. Belgium.						
United States of America.						

32 Agricultural implements	..	33,901	..	..	..	..
United Kingdom. Germany.						
United States of America.						
33 Implements and tools other than agricultural implements and machine tools.						
United Kingdom. Canada.						
Australia. Straits Settlements.						
Sweden. Switzerland.						
Germany. Italy.						
Netherlands. Austria.						
Belgium. Czechoslovakia.						
France. Japan.						
Egypt. United States of America.						

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Description of articles and places from which imported. (1)	1934-35		1935-36		1936-37	
	Quantity. (2) NO.	Value. (3) RS.	Quantity. (4) NO.	Value. (5) RS.	Quantity. (6) RS.	Value. (7) RS.
IRON OR STEEL—cont.						
34 Hand pumps	..	..	..	..	3,207	45,095
United Kingdom.	..	..	..	..	..	..
Japan.	..	..	..	..	..	..
United States of America.	..	..	..	..	..	..
35 Safes and strong boxes of metal	17	2,510	17	2,306	134	6,497
United Kingdom.	..	..	..	..	..	..
Germany.	..	..	..	..	..	..
Japan.	..	..	..	..	..	..
36 Stoves	21,382	51,474	12,992	35,402	10,841	32,372
United Kingdom.	..	..	..	..	..	..
Sweden.	..	..	..	..	..	..
Germany.	..	..	..	..	..	..
United States of America.	..	..	..	..	..	..
37 Other sorts	..	..	..	..	..	..
United Kingdom.	..	..	..	..	..	..
Germany.	..	..	..	..	..	..
United States of America.	..	..	..	..	..	..
38 Cutlery	..	14,57,468	..	14,79,157	..	10,56,007
United Kingdom.	..	2,42,420	..	2,49,624	..	2,48,363
Germany.	..	..	..	..	..	..
United States of America.	..	..	..	..	..	..
39 Machinery and mill work (including railways)	..	1,56,05,229	..	1,67,01,737	..	2,20,23,146
United Kingdom.	..	..	..	..	..	..
Norway.	..	..	..	..	..	..
Poland.	..	..	..	..	..	..
Denmark.	..	..	..	..	..	..
Germany.	..	..	..	..	..	..
Straits Settlements.	..	..	..	..	..	..
Hongkong.	..	..	..	..	..	..
Belgium.	..	..	..	..	..	..
France.	..	..	..	..	..	..
Spain.	..	..	..	..	..	..
Canada.	..	..	..	..	..	..
Australia.	..	..	..	..	..	..
Austria.	..	..	..	..	..	..
Hungary.	..	..	..	..	..	..
Czechoslovakia.	..	..	..	..	..	..
Java.	..	..	..	..	..	..
China.	..	..	..	..	..	..
Japan.	..	..	..	..	..	..
United States of America.	..	..	..	..	..	..
Egypt.	..	..	..	..	..	..

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40 Carriages and carts not mechanically propelled and parts thereof (excluding railway carriages, trucks, etc.).	..	1,42,422	..	1,52,163	..	1,37,596
United Kingdom.	..	..	..	..	..	..
Straits Settlements.	..	..	..	..	..	..
Hongkong.	..	..	..	..	..	..
Belgium.	..	..	..	..	..	..
France.	..	..	..	..	..	..
Japan.	..	..	..	..	..	..
China.	..	..	..	..	..	..
United States of America.	..	..	..	..	..	..
41 Cycles (other than motor cycles) and parts thereof and accessories.	..	17,09,778	..	15,84,466	..	20,42,350
United Kingdom.	..	..	..	..	..	..
Germany.	..	..	..	..	..	..
Italy.	..	..	..	..	..	..
Japan.	..	..	..	..	..	..
United States of America.	..	..	..	..	..	..
42 Mechanically propelled vehicles and accessories (excluding railway locomotives and tractors).	..	60,46,215	..	59,00,398	..	56,33,419
United Kingdom.	..	..	..	..	..	..
Sweden.	..	..	..	..	..	..
Aden.	..	..	..	..	..	..
Netherlands.	..	..	..	..	..	..
Ceylon.	..	..	..	..	..	..
Belgium.	..	..	..	..	..	..
France.	..	..	..	..	..	..
Federated Malay States.	..	..	..	..	..	..
Switzerland.	..	..	..	..	..	..
Italy.	..	..	..	..	..	..
Austria.	..	..	..	..	..	..
Hungary.	..	..	..	..	..	..
Czechoslovakia.	..	..	..	..	..	..
Turkey.	..	..	..	..	..	..
Iran.	..	..	..	..	..	..
French Indo-China.	..	..	..	..	..	..
Japan.	..	..	..	..	..	..
United States of America.	..	..	..	..	..	..
Egypt.	..	..	..	..	..	..

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 25th January 1939.

The House met in the Assembly Building, Chepauk, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Measures to relieve agricultural distress in the South Arcot district.

* 666 Q.—BASHEER AHMED SAYEED SAHIB BAHADUR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that on account of the failure of rains, both wet and dry crops in several of the taluks in South Arcot district have failed and conditions of acute distress prevail among the ryots in the villages;

(b) whether any detailed reports have been received of late from the District Revenue authorities on the rainfall and the present condition of the crops in the said district;

(c) if so, whether the same will be placed on the table of the House; and

(d) what steps the Government propose to take to afford relief to the ryots in distress?

THE HON. SRI T. PRAKASAM:—“(a) The Government are aware that the season has not been favourable in the district.

“(b) A preliminary report has been received from the Collector of South Arcot on the seasonal conditions in that district.

“(c) The Government do not consider it necessary to place it on the table of the House.

“(d) The Government will consider the question on receipt of further reports from the local officers.”

BASHEER AHMED SAYEED SAHIB BAHADUR:—“May I ask, Sir, when the further report is expected?”

THE HON. SRI T. PRAKASAM:—“In the ordinary course.”

BASHEER AHMED SAYEED SAHIB BAHADUR:—“May I know, Sir, whether pending the receipt of that further report, any instructions will be issued to the Collector to stop the collection of kist, at least the first instalment, during January?”

THE HON. SRI T. PRAKASAM:—“No such promise can be made on a question put on the floor of the House.”

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BASHEER AHMED SAYEED SAHIB BAHADUR:—" May I ask, Sir, what is the kind of relief that the Government propose to afford to these poor ryots who are actually suffering and are not able to pay their tax? "

THE HON. SRI T. PRAKASAM:—" Whatever they would deserve and are entitled to, they would get."

BASHEER AHMED SAYEED SAHIB BAHADUR:—" In view of the fact that the Collector has not so far issued any instructions, will the Government be pleased to direct the Collector to postpone the collection of kist? "

THE HON. SRI T. PRAKASAM:—" No such instructions can be given until the report is received and what the hon. Member is pressing will also be taken into account."

Crop valuation in Dharmapuri Revenue division by a Member of the Board of Revenue.

* 667 Q.—SRI M. G. NATESA CHETTIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that the Revenue Board Member, Mr. F. W. Stewart, visited Dharmapuri Revenue division in the month of December 1938 for the purpose of valuation of the crops in the fields;

(b) whether it is a fact that he valued the crops much more than what the local officers valued; if so, on what data he so valued the crops; and

(c) whether the Government will be pleased to place on the table the statement of cultivation account called 1-A, for the period July to the middle or end of December 1938 in respect of the Harur and Dharmapuri taluks?

THE HON. SRI T. PRAKASAM:—" (a) It is a fact that the Member of the Board visited the Dharmapuri taluk among others in the month of December for the purpose of ascertaining the general seasonal conditions in the area.

" (b) The Government are not aware that the facts are as stated.

" (c) These statements are not submitted to the Government and the Government do not consider it practicable to place on the table these statements for each village in this taluk over a period of six months."

[25th January 1939]

Measures to relieve agricultural distress in Dharmapuri and Harur taluks.

* 668 Q.—SRI M. G. NATESA CHETTIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that horsegram, gingelly and ground-nut crops have completely failed in Dharmapuri and Harur taluks due to the failure of rains; and

(b) what relief the Government propose to grant to alleviate the distress of the agriculturists?

THE HON. SRI T. PRAKASAM:—" (a) The Government are aware that the yield of crops in the two taluks has been below the normal.

" (b) The Government will consider the question of relief after the receipt of the report called for from the local officers."

SRI G. RANGIAH NAYUDU:—" Is it not a fact that these crops have failed in the several taluks of the other districts also? "

THE HON. SRI T. PRAKASAM:—" And in many other places also they were affected. That is known to the hon. Member as well as to others."

SRI G. RANGIAH NAYUDU:—" May I know, Sir, what relief is proposed to be given by the Government to alleviate the troubles of the ryots? "

THE HON. SRI T. PRAKASAM:—" Whatever relief can be given by the Government will be given."

Appointment of separate individuals for the posts of Public Prosecutor and Government Pleader in North Malabar.

* 669 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL SAHIB BAHADUR: Will the Hon. the Minister for Law be pleased to state—

(a) whether there was any special reason for the bifurcation of the Public Prosecutorship and the Government Pleaderships of North Malabar and the appointment of two separate individuals for these posts;

(b) whether such bifurcation had ever taken place elsewhere in this Presidency now or before and if so, what those districts are;

(c) how long the post had to be left unfilled after the expiry of the term of the last individual who held the appointments, and what the reason for it was;

(d) whether the Government had invited the Collector of Malabar or the District Judge of North Malabar to recommend any individual for appointment and whether they had nominated anybody; and

(e) whether the appointments were made on the recommendation, if any, of these officers or under other circumstances?

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THE HON. DR. P. SUBBARAYAN:—“(a) The bifurcation was in consonance with the general policy of Government. There were no reasons peculiar to North Malabar.

“(b) Bifurcation has taken place in the districts of Ramnad, Salem, Chingleput, Trichinopoly, East Tanjore, Tinnevely, Vizagapatam and Coimbatore.

“(c) The interval between the expiry of the term of the then incumbent of the post and the issue of orders bifurcating it and appointing separate persons was only five days.

“(d) & (e) The Government as usual asked the District Magistrate to forward, in consultation with the District and Sessions Judge, the names of suitable candidates, with their views on the qualifications and merits of each, and the appointments were made after considering the views of these officers.”

SRI V. VENKATASUBBAYYA:—“May I know, Sir, what are the daily fees of the Public Prosecutor for conducting a case?”

THE HON. DR. P. SUBBARAYAN:—“I am afraid I do not carry that information in my head.”

SRI P. BUCHAPPA NAYUDU:—“May I know, Sir, whether there is any proposal under the consideration of the Government to constitute out of each sessions division in two or three separate sessions compact divisions and to appoint separate Assistant Public Prosecutors for each division?”

THE HON. DR. P. SUBBARAYAN:—“I am not aware of any such proposal being under the consideration of the Government at the present moment.”

SRI B. ANANTHACHARI:—“May I ask, Sir, whether this bifurcation will extend to the other districts also?”

THE HON. DR. P. SUBBARAYAN:—“If convenience demands it.”

SRI V. VENKATASUBBAYYA:—“May I know whether it is a fact that in October and November the Sessions Judge sat only for three days in each of the months?”

THE HON. DR. P. SUBBARAYAN:—“I am thankful to the hon. Member for the information.”

SRI V. VENKATASUBBAYYA:—“Is it a fact that in December last there was no sessions case at all in the district?”

THE HON. DR. P. SUBBARAYAN:—“I am equally thankful to the hon. Member for this information also.”

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Alleged insult offered by an assistant teacher of the Payyanur Labour school to a member of the Malabar Harijan Advisory Board.

* 670 Q.—SRI C. K. GOVINDAN NAYAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government are aware that Swami Ananda Thirtha, M.L.A., member of the Malabar Harijan Advisory Board and a prominent Harijan worker, was insulted by an assistant teacher of the Payyanur Labour school;

(b) whether it is a fact that the Swami had reported the incident to the Malabar Labour Officer; and

(c) whether any action has been taken in the matter, and if so, what?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“(a) The Government are aware of Swami Ananda Thirtha's complaint against a labour school teacher at Payyanur.

“(b) Yes.

“(c) The matter was enquired into and it was felt that further action was unnecessary.”

SRI E. KANNAN:—“May I ask, Sir, why the Government think that further action is unnecessary?”

SRI B. S. MURTI:—“The Labour Commissioner was specially deputed to go and enquire into the matter and he is of the opinion that no further action need be taken.”

SRI G. RANGIAH NAYUDU:—“May I know the reasons for that?”

SRI B. S. MURTI:—“I submit the quarrel between Swami Ananda Thirtha and the labour school teacher concerned was due primarily to personal ill-feeling.”

SRI E. KANNAN:—“May I ask, Sir, whether it is a fact that the teacher was actually transferred from Payyanur but it was subsequently cancelled by the Catholic Labour Officer on the intervention of a Catholic missionary who is converting Harijans to Christianity in North Malabar?”

SRI B. S. MURTI:—“The labour school teacher is still in Payyanur.”

SRI V. KURMAYYA:—“Will the Government be pleased to inform the House why, how and where Swami Ananda Thirtha was insulted by the said teacher?”

SRI B. S. MURTI:—“The whole matter is due to personal ill-feeling between him and the labour teacher; Ananda Thirtha wanted the abolition of the labour schools in Malabar and the teacher concerned is a teacher employed in the labour school in Payyanur.”

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SRI V. KURMAYYA:—" May I know why Ananda Thirtha is interested in abolishing that school? "

SRI B. S. MURTI:—" I think such a question should be put to Ananda Thirtha himself. "

SRI K. V. NARAYANA RAO:—" May I know, Sir, what the complaint is? "

SRI B. S. MURTI:—" The complaint is that the labour school teacher was insubordinate to Ananda Thirtha. "

SRI V. KURMAYYA:—" What is the relationship between Mr. Ananda Thirtha and the said teacher? And where is the necessity for the teacher to be insubordinate towards Mr. Ananda Thirtha? "

SRI B. S. MURTI:—" I do not think this question does arise. "

SRI E. KANNAN:—" May I know whether Government are aware of the fact that Swami Ananda Thirtha was not allowed to visit this labour school even when he was appointed a member of the Harijan Advisory Committee for Malabar? "

SRI B. S. MURTI:—" He is on the Advisory Board and as a member of the Harijan Advisory Board he is entitled to visit it, Sir. "

SRI G. RANGIAH NAYUDU:—" May I know the cause of the trouble? "

SRI B. S. MURTI:—" It was an alleged cause. "

SRI K. V. NARAYANA RAO:—" It was stated that the teacher was insubordinate but we are not able to understand what is the specific nature of the complaint. "

MR. SPEAKER:—" That is not a supplementary question. "

Number and names of the European, Anglo-Indian and Eurasian Councillors of the Corporation of Madras.

* 671 Q.—SRI KALA VENKATA RAO: Will the Hon. the Minister for Local Administration be pleased to state the names and number of Councillors of the Corporation of Madras who are Europeans, Anglo-Indians or Eurasians?

THE HON. SRI B. GOPALA REDDI:—" There are seven European and one Anglo-Indian councillors. The names of the European councillors are—

- (1) Mr. C. Mainprice.
- (2) Mr. B. W. Batchelor.
- (3) Mr. A. Sinclair Rose.
- (4) Mr. H. B. Toothill.
- (5) Mr. W. W. Ladden.
- (6) Mr. G. G. Armstrong.
- (7) Major W. S. E. Money.

" The Anglo-Indian councillor is the Rev. D. R. Basely. "

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SRI KALA VENKATA RAO:—" What is the total population of Anglo-Indians and Europeans in the City of Madras, Sir? "

THE HON. SRI B. GOPALA REDDI:—" Anglo-Indians about 10,000 and Europeans about 3,000. "

SRI KALA VENKATA RAO:—" Is not this over-representation in view of the total population of Madras? "

THE HON. SRI B. GOPALA REDDI:—" But their representation is not due to population but they represent special interests. "

SRI KALA VENKATA RAO:—" What is the reason for giving them overwhelming weightage? "

THE HON. SRI B. GOPALA REDDI:—" Because of the importance of the avocations in which they are engaged. "

SRI G. RANGIAH NAYUDU:—" May I know, Sir, what profit my hon. Friend Mr. Venkata Rao derives by asking for this information? " (Laughter.)

MR. SPEAKER:—" That question is disallowed. "

SRI KALA VENKATA RAO:—" I wish to submit, Sir, that that casts a reflection . . . "

MR. SPEAKER:—" Are you going to put a supplementary question? "

SRI KALA VENKATA RAO:—" Are not the Indian commercial interests as preponderating as the European interests in the City? "

THE HON. SRI B. GOPALA REDDI:—" They too are given five seats in the City Corporation. "

SRI KALA VENKATA RAO:—" In proportion to eight for these two communities, I think the Indian commercial community is entitled to get greater representation. "

THE HON. SRI B. GOPALA REDDI:—" All the eight members do not represent commerce alone; one represents the Port Trust and the other represents the South Indian Railway and the Madras and Southern Mahratta Railway and so only six represent the commercial interests of Europeans. "

SRI P. R. K. SARMA:—" May I know how many labour representatives there are in the City Corporation to represent labour interests? "

THE HON. SRI B. GOPALA REDDI:—" That does not arise out of this question. "

[25th January 1939]

Protection afforded to the Potato industry in the Nilgiri district so far.

* 672 Q.—SRI D. RAMALINGA REDDIYAR: “Will the Hon. the Minister for Agriculture and Rural Development be pleased to state the steps so far taken by the Government to protect the potato industry in the Nilgiri district from unhealthy foreign competition in that commodity?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“With a view to safeguard the interests of potato-growers in the Nilgiris against severe competition from foreign imports the Madras Government made representations to the Government of India in May 1938 and recommended the levy of a protective duty at 50 per cent *ad valorem* on foreign potatoes and 40 per cent on Empire produce. Again in November 1938 when the question of revision in a downward direction of the present tariff value of Rs. 5-4-0 per cwt. on potatoes was under examination, this Government entered a strong protest against any reduction in the tariff valuation and reiterated their former recommendation to levy an increased protective duty on imported potatoes. The Central Government in their recent reply have stated that the Government of India have reduced the tariff valuation from Rs. 5-4-0 to Rs. 5-1-0 per cwt. pointing out that the reduction which was effected only after a thorough enquiry based on market prices during the period from October 1937 to September 1938 is both fair and reasonable. The Government of India have further stated that the question of imposing a protective duty on imported potatoes is still under their consideration. Attempts are also being made to secure a permanent market for the Nilgiri potatoes in Bombay in substitution of the foreign potatoes. The Director of Agriculture has been instructed to get into touch with the Chief Marketing Officer of the Central Provinces to find market there also for potatoes raised in this Province.”

Admission of certain expelled students of the Osmania University into the Engineering College, Guindy.

* 673 Q.—K. ABDUR RAHMAN KHAN SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state—

(a) whether any deputation waited on the Hon. the Minister seeking admission into the Engineering College, Guindy, for some of the students expelled from the Osmania University;

(b) if the answer to (a) be in the affirmative, the number of students for whom and the classes in which admission is sought;

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(c) the maximum strength sanctioned for these classes and the number of applications for admission into them that were rejected at the beginning of the academic year;

(d) whether the Government have called for a report from the Osmania University or the Nizam's Government regarding the reasons that led to the expulsion of these students from their colleges;

(e) whether the Osmania University is a University recognized by the Madras University and whether the students of the former can be admitted into the colleges of the latter University and at this part of the year;

(f) whether the governing body of the Madras University has been consulted by the Government regarding the admission of students who have been expelled from a sister University; and

(g) what the Government have decided to do in the matter?

THE HON. SRI C. J. VARKEY:—“(a) A representation was made by certain students.

“(b) Twenty-three students have sought admission to the Engineer classes.

“(c) The maximum strength for each of the Engineer classes is 100. The number of students who applied for admission was 336 and the number admitted was 98.

“(d) The answer is in the negative.

“(e) to (g) The proposal before Government is limited to the admission of the students to the Engineering College at Guindy and permitting them to take the college examinations. Instructions to this end are being issued to the Principal of the Engineering College, Guindy. The question of consulting the University will arise only when the students propose to appear for the University examinations.”

Recent accident to the Tata Air Plane in the Chittoor district.

* 674 Q.—K. ABDUR RAHMAN KHAN SAHIB BAHADUR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that a Tata Air Plane carrying mails to Madras crashed in Chittoor district; and

(b) whether any report has been received regarding the accident?

THE HON. MR. YAKUB HASAN:—“(a) & (b) The answer is in the affirmative. The gist of the reports received has appeared in the Press.”

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

II.—REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE.

3-15 p.m. * SRI T. T. KRISHNAMACHARIAR:—“ Mr. Speaker, I have listened to the speech of the Hon. the Revenue Minister as also that of the hon. the Raja of Mirzapuram with the attention that is due to the great subject and its expositors. I have also carefully listened to the other speeches. Before proceeding further, I should like to make an observation to this House. In a matter like this, whatever might be the result and the action taken by the Government upon this Report, when the interests of a certain section of people are bound to be vitally affected, it is not a pleasant thing for any hon. Member or, for that matter, anybody to express enjoyment at the possible sufferings of any other body of persons. It would be wise under such circumstances not to import acerbity in this discussion. I have to make this remark because it did look as though a few words used by the hon. Member belonging to the European group coming from Calicut were provoking replies indicating this state of mind and I would appeal to all sections of the House that the matter might be considered in cold logic and all sentiment might be avoided as not to offend any particular section.

“ Before proceeding further, I have to join in the chorus of congratulations that have been showered upon the Hon. the Revenue Minister and the Committee for the patient industry and the celerity with which the Committee has done its work. In less than a year, during which the Hon. the Revenue Minister was engaged in a series of important legislation besides the administrative duties that devolved on him, the Committee has found it possible to collect an amazing body of evidence which has been arranged, sifted and issued with a promptitude which I think is a record and a challenge to the other Legislatures of the country. The subject of investigation on which they were engaged is itself a serious one beset with great many complications, involving as it does principles of social justice and law—so complicated indeed that legislatures and administrations in the past century have tried to tackle them but with little success. I am not saying that the Prakasam Committee have by means of this report laid this problem at rest just now. On that, I shall have a few submissions to make to the House presently. But I do say that in the range and grasp of details of this report, we find evidence of great industry and earnestness, qualities which are admirable in public servants and worthy of imitation. I would like also to add a word of praise to the Minute of Dissent of my hon. Friend, the Zamindar of Mirzapuram, which has put forward the case of the zamindars with an admirable force and legal skill.

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[Sri T. T. Krishnamachariar]

“ In the first place I wish to invite the attention of the House to the restricted terms of reference to the Committee which have resulted in a set of recommendations being made which bear no relation to the general economic problem of land and tenantry in this Province. I do not think that the fact that this point was not raised at the time the Committee was appointed, can estop me from raising it at this moment. Such revolutionary recommendations as we now have before us, were not in the contemplation of most of us at the time the Committee was appointed. But we naturally thought that an attempt was being made so to amend the provisions of the Estates Land Act as to make it better than what it is at present. But what is the result? We are now being asked to scrap the Act and to substitute another fundamentally different from it. If what was in contemplation was really a general review of land law, I think people of my persuasion would have asked the Committee to deal not only with the zamindari but also zamindari and proprietary lands on the one hand and ryotwari ryotwari land problems at the same time. The distinction between lands on the other is one which, however important from the point of view of historical conditions, is still of little significance from the point of view of agricultural production and those who are engaged in that vital industry in this Province. It is an artificial distinction as conceded in this report—a distinction which is necessitated by the fact that the ruling power was insufficiently organized to meet the administrative necessities of the land revenue system over a hundred and thirty years ago.

“ That takes me to the question of the proprietorship of the soil. I do not wish to engage myself in a sterile controversy as to who is the proprietor of the soil in the land, because it has been thrashed out in detail by various hon. Members, not to speak of the Hon. the Revenue Minister. I have just to mention one point that on a study of item No. 34 of the Instructions to the Collectors of the Southern divisions which are appended to this report and clauses 7 and 9 of the Patta Regulation, together with the preamble, I am afraid I have to join issue with the statement of the Hon. the Revenue Minister that the proprietorship of the soil has been definitely conferred on the ryot. To me, Sir, it does not very much matter; but I think that rather an undue stress has been laid on this matter, as I do not think that settlement of this issue really vitally affects the future of this country. Whether the proprietorship is with the zamindar or the ryot, the course of history has sprung from the days of the Permanent Settlement which has created or has acknowledged rights of various kinds in the zamindars as well as in the ryots. Let it be understood that the rights which have been created are not and can never be of such sanctity that the State might never interfere with them. Legal rights are created by the State and the State is ever at liberty to resume those rights or to alter them whenever public weal

[Sri T. T. Krishnamachariar] [25th January 1939]

demands it. While on the one hand frequent interference with established rights which the community has come to look upon as worthy of protection and as productive of social weal is to be discouraged, it is equally a well-established canon of political science and justice that rights must be modified, adjusted and even abrogated whenever the supreme needs of a people require it. I am, therefore, unimpressed by the cry of expropriation, for my approach to this problem is entirely from a different angle. I propose to look at it from this point of view, namely, whether the agricultural system of this country is properly established and if it is not so established, what are the measures necessary to correct the evil and the abuses of that system. It is when approaching the problem from this point of view that I find considerable difficulty in reconciling myself to the issue raised and in treating this problem in the truncated way in which the present Committee has had to deal with it, ignoring altogether the vastly important problem of ryotwari agriculture. In my judgment, the two problems should have been tackled together and apart from other things, it is only in that way you could do justice, not to speak of the fact that you could make it appear that justice is being done. Both these problems are closely inter-related and I think it is borne out by the statement made by the Hon. the Revenue Minister. In dealing with the case law on the subject Chockalingam Pillai *versus* Vidyalingam Pandara Sannadhi, there are other cases of a similar nature where the rights of the ryotwari pattadars and the interpretation of the rights have affected the position of the zamindari ryots. It is not, therefore, desirable to deal with the two problems as having no relationship to each other.

"It is well-known that agriculture being the main industry of nearly three-quarters of the population of this Province who either live by working on land or are dependent on those who work on land, the prosperity of the Province is bound up with the prosperity of its tenantry and this, however trite, is supremely true. And yet it is the system of agricultural production, the character of the rights and interests guaranteed to those who engage in it, that helps to create confidence to induce them to do their best for agriculture. Looked at from this angle, I think that our agricultural system has been a total failure. A system of land tenures meant for a different economy, which I may venture to call a local economy, is being pursued when the whole world has become a single market for most agricultural produce. The worker on land is seldom the owner of it and in any case has such a small bit which is being further fragmented and divided with each generation that he cannot really make a scientific success of his operations on land. In the matter of taxation, there has been a tremendous system of discrimination constituting a terrible burden on the worker with the result that the so-called owner has been drawn to the urban areas leaving the harassed tenant to do his

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best with the land. It is not in most cases voluntary; in many cases it is necessary. They are driven from their lands to the urban areas to eke out their living, leaving the land in the hands of the tenants to do what they can with it. I say that there never was a more striking illustration of a parasite than this absentee landlord, whether of the ryotwari or of the zamindari variety. Addressing a House in which the members are all returned by vast constituencies of the poor workers on land, it is hardly necessary for me to say more about the subject. Tiers and tiers of intermediate interests have been built over the frail shoulders of the tiller of land and it is a wonder that his bones have not yet been completely crushed and that he still bears all his burden with such strength and courage. And yet what has the Prakasam Committee done for this class of actual workers? We are told on page 142 that the Committee have no data and cannot make any recommendations about the under-tenants. Naturally as a person who has more than an academic interest in this matter, it took my breath away when I read that. What good is there in taking the rights off the zamindar and distributing theirs to a body of absentees? What is the gain to agriculture? What is the gain to the State? What is the good distributing such rights to a body of persons who at present form 40 per cent and which may eventually grow to 50 or 60 per cent? This report must be rejected for that one reason.

"From the point of view of the State, whatever historical justification there might have been for dividing land into various categories like zamindari, inams, etc.—my hon. Friend, the Muslim Member for Bezwada, referred in detail to this class of ryotwari landowners, etc.—there can be no reason now why those outworn categories should be kept up. In abolishing them the question of compensation to be provided for the interest dispossessed is, relatively to the colossal and vital issues involved, a matter of quite minor importance. I do not think it is a matter of major importance for an individual like me to discuss it here and it is for the State to decide and not for individuals like me. What is most necessary is that a uniform land system for the whole Province should be introduced to ensure that the tillers of the soil do their best in the land that they are in charge of and that they be not unjustly deprived of the fruits of their labour. Stated in this way, the obvious remedy which will strike one as immediately necessary is the abolition of the various intermediary interests in land and the restitution of land to the actual worker on land. I do not wish that this result should be achieved at one stroke. It may well be that a policy undertaken to-day to achieve this result may bear fruit with the growth of social conscience within the next few decades, but I say that it is here that we must make the beginning. If the State were to entrust land, unfettered, to him who bears all the burden of agricultural work, I say we shall then have created a virile peasantry

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lending strength and stability to the Government and organized institutions. The natural development of this process would be to make agriculture more attractive to the worker and more paying to the State. I am not now discussing the possibilities of land nationalization schemes, and it is possible that the party in power may not be inclined to listen to any such proposal. I know also that you cannot put off land nationalization for any very long time because it is bound to come sooner rather than later."

MR. SPEAKER:—"I suppose nationalization of land does not pertain to the debate now going on. I cannot understand why the time of the House should be wasted on it."

* SRI T. T. KRISHNAMACHARIAR:—"I was saying that land nationalization schemes cannot be put off for any very long time."

MR. SPEAKER:—"I think the hon. Member should confine himself to the contents of the Report."

* SRI T. T. KRISHNAMACHARIAR:—"I assure you, Sir, I shall not take up the time of the House unnecessarily. What I say is relevant in this way: we cannot put off this contingency very long if the present conditions in regard to the tenantry are allowed to continue."

MR. SPEAKER:—"The hon. Member will be relevant only if he confines himself to the main motion and the amendments thereto. The terms of reference of the Committee are specific and the speeches have strictly to be relevant to those terms and to the contents of the Report."

* SRI T. T. KRISHNAMACHARIAR:—"I say only that the problem of land will have to be looked at as a whole. I say for the consolation of those who are horrified at the very mention of socialism that the scheme by which intermediate tenures are abolished altogether will have the effect of putting off land nationalization."

"Just as profiteering is forbidden in national utility services, a principle to which nobody can take exception, I assert that agriculture is a supreme national utility concern, and there is the utmost need to observe strict standards of justice in the organization of that enterprise. Speculation in land, land as an investment from which to make unconscionable profits, land as a means of political power and social prestige—these are considerations which no honest legislator can give the slightest importance to. The only true way of dealing with land is to look upon it as a national asset yielding food to the millions and yielding it in plenty and in such a way that the mass of workers are kept contented and progressive."

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MR. SPEAKER:—"All these observations, however sound they may be, are irrelevant to the main motion and the amendments that have been moved."

* SRI T. T. KRISHNAMACHARIAR:—"I am speaking on the original motion, namely, the Report of the Committee that is being considered."

MR. SPEAKER:—"Your criticism is actually a dissertation on agriculture. The hon. Member will now confine himself to the Report."

* SRI T. T. KRISHNAMACHARIAR:—"I have no hesitation in saying that I am disappointed with the present Report. It deals with less than half of a mighty problem and deals with it without courage and in a spirit of ill-informed compromise. It gives property to a class which still is not the class actually engaged in agricultural labour. It provides an invaluable opportunity for speculators to speculate in zamindari land and to oppress the under-tenant who is the actual tiller. It still leaves some property in the hands of a class, which according to it can have no survival-value at this time, and leaves that property in a way which makes it difficult for one to know whether what is left is an asset or a liability. It deprives the State of its just share of land revenue by giving its assent to a principle of Permanent Settlement, as though permanency can have any meaning in this context. If it was open to the State to declare a certain right permanent, it is equally open to the Sovereign to abrogate that permanency. It does not touch the problem of agricultural organization as such but has merely contented itself by tinkering with the rights of persons but relatively remotely connected with actual agricultural worker."

"I have no hesitation in characterizing this legislation as a hopeless class legislation unduly favouring an exploiting class of non-agricultural owners of occupancy rights who are given a free hand to oppress the actual tiller of the soil."

"In the draft Bill which has been appended to the Report—and I must here confess that I have not seen a more unconventional piece of drafting, to say nothing more—an endeavour has been made to set in statutory language the recommendations of this Committee. It is a most disappointing draft, and I wish to ask if the Hon. the Minister for Revenue could not have obtained the assistance of the Advocate-General or the Law Drafting Department of the Government in a vitally important matter like this. I make no excuses to this House to read a typical clause in the draft Bill to illustrate my point. That is clause 16 (3) (e). I shall read it for the benefit of those who may not have a copy of it ready at hand:—

"(e) in estates in which the rates of assessment that prevailed at the time of the Permanent Settlement cannot be fixed up by adopting

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any of the abovementioned methods, the Special Commission that would be appointed by the Legislatures and the Government, to ascertain the rates of assessment of land revenue, as they prevailed at the time of the Permanent Settlement, may endeavour to fix the rates by adopting any other method by which they could fix the rates exactly or even roughly.'

The Madras University has made the mistake of adjudging that my knowledge of the English language was enough to entitle me to be admitted to the ranks of graduates. Either it has been foolish or this is not the English language spoken or written in any part of the world. This is the one and only place where reference to a Special Commission is made, a Commission which is to be appointed by the Legislatures and the Government. In what manner? You were good enough to pronounce an opinion the other day as to who is competent to appoint a Commission. I wish to draw particular attention to that statement. How is the Commission to fix rates exactly without any data, as obviously this clause deals with questions where data are not available. The statement is a contradiction in terms unless the Commission to be appointed is to be endowed with second sight. Why decide roughly; why not suggest decision by the throwing of the dice or tossing a coin? This is indicative of how the Committee expect their recommendations to be implemented. I confess I am surprised that this draft, even if it represents only the recommendations in another form should have been put forward before the country.

"And this legislation has been framed with the evident idea of steering clear of the provisions of the Government of India Act and the Instrument of Instructions, which afford a certain measure of protection to Permanent Settlement, by merely professing to interpret the character of that Settlement instead of altering it. I do not know if the attempt has succeeded. A modern progressive Government should, instead of trying to bring the tenants within the scheme of permanency and creating a special class of favoured landholders, really face the times. The Government must realize that the time is over when the solution of land revenue questions by the creation of permanent tenures was necessary and that the time has now come when we may settle all land upon a uniform basis with substantial justice to the actual tiller. The fact that the Prakasam Committee would rather give permanency to the terms of the tenancy of the occupancy ryot than take away permanency altogether from both the ryot and the zamindar, though this course involves a considerable loss to the public revenue, shows that the Committee is more anxious to destroy the zamindar than to help the worker or to urge the claims of the State. I must be pardoned for putting this point so bluntly. And I want to know what the country has to gain from adding all this strength to the class of absentee occupancy ryots who are

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now free to carry on the merry game of mortgaging, selling and playing with their saleable interest in land which the occupancy right has been declared to be. If the choice is between a sleepy rack-renting zamindar who distributes his occasional cruelties among a large mass of workers, and individual ryots who have to slave-drive the under-tenant and wring him dry to pay for their urban pleasures, I would say that the zamindar is perhaps the lesser of the two evils. But may I ask this House, why tolerate either of these evils at all?

"I will now refer to the speech of the Hon. the Minister for Revenue which has been termed by the Press as a Marathon speech. Undoubtedly he has made a deadly case against the zamindars, more deadly than the Report. The burden of his song was that the Permanent Settlement was alike applicable to the zamindari ryot as to the zamindar. In support of his argument he quoted from Croles, Carmichaels and Forbeses—all of them brilliant and conscientious bureaucrats of the last century. He sought for judicial support from the judgments of the late Justices Muthuswami Ayyar and Subrahmanya Ayyar, who furnished him with ample case law support. It is no mean praise for the Hon. the Revenue Minister to say that he provided an opportunity for an excellent psychological study for any student of human affairs. The two impressions he created were firstly, that of an advocate, which he is, not wishing to depart from the strictly legalistic standpoint in arguing his case and supporting it with precedents and case law—the factors which the layman is often likely to characterize as making a person unable to look beyond his nose. The other was the ease and facility with which he put himself back in an atmosphere 136 years old, as it were, almost effectively reproducing the picture of Irwing's Rip Van Winkle. I heard the advocate in him speaking; I heard the ardent admirer of that line of British bureaucrats of the last century speaking, displaying such an admiration for them that I felt that he would even go to the support of my Hon. Friend the Education Minister's idea of celebrating the Madras tercentenary. (Laughter). I was eager to hear the administrator speak, but I was disappointed. But to us, here, to-day, what Croles and Carmichaels felt and said does not matter; how the case law has been built up all these years does not matter; that, apart from the interpretation of the Permanent Settlement Regulation, custom during these 136 years has given its sanction to the existing state of the relationship between the zamindar and the ryot, does not matter either. We are happily placed above all these, notwithstanding the extremely circumscribed powers allotted to us by the author of our existence, the Government of India Act, 1935. The task of the State, whose important function is to get the greatest amount of good done to the largest number of people cannot be hampered by any limitation except that of the Act

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governing Legislatures, in its endeavour to achieve that goal. The State's rights are supreme and above all case law, custom, administrative convenience like the Permanent Settlement and the rights of individuals acquired by assignment by the State. I am using the language of the Raja of Mirzapuram here.

3-45 P.m. "It is interesting to note with regard to the Permanent Settlement and its sanctity that the Court of Directors of the East India Company in according their approval to the Permanent Settlement in Bengal in 1792 said: 'On the fullest consideration, we are inclined to think that whatever doubt may exist, with respect to their original character, whether as proprietors of land or collectors of revenue, or with respect to the changes which may in process of time have taken place in their situation, there can at least be little difference of opinion as to the actual condition of the zamindars under the Moghul Government. Custom generally gave them a certain species of hereditary occupancy, but the sovereign appears nowhere to have bound himself by any law or compact not to deprive them of it; and the rents to be paid by them remained always to be fixed by his arbitrary will and pleasure, which were constantly exercised upon this object.' If considered, therefore, as a right of property it was very imperfect and very precarious, having not at all, or but in a very small degree those qualities that confer independence and value upon the landed property in Europe. The Hon. the Minister for Revenue referred to the question of landed property in Europe in his speech. I say this, Sir, in order to show that they had it in view when they made a differentiation between the idea of landed property in India and landed property in Europe and recognized the zamindar. He did not appear to have possessed the absolute right in the soil which landlords in Europe enjoy. Any argument on the question cannot be absolutely free from doubt. There are the intentions of the Court of Directors to indicate that they did not feel that the zamindar had the same right as the landed proprietor in Europe. They further say, 'Though such be our ultimate view of this question, our originating a system of fixed equitable taxation will sufficiently show that our intention has not been to act upon the high claims of Asiatic despotism.' So with reference to this right, they said 'though such be our ultimate view,' that was the view of the Court of Directors.

"Ideas of the rights of the State have, during the last century and a half, progressed in the direction of the supremacy of the State. It is nothing new to say that we have a right to set right economic maladjustments and we have asserted that right even during the short time that this Legislature has been in existence. We have asserted it by the various pieces of legislation, we have

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undertaken, and, I hope, quite successfully too. Sir, on the question with regard to the Permanent Settlement and its sanctity, I am rather perplexed why the Committee should not have made any reference to that paragraph in the report of the Joint Select Committee on the Government of India Bill where power has been given to us, however imperfect, in the Government of India Act to deal with this question. The Joint Select Committee has taken into consideration possibilities like this, possibilities of the Government interfering and in paragraphs 369, 371 and 372 they have dealt with Permanent Settlement. Of course, this has got its relevant section in the Government of India Act. I would like, with your permission, Sir, to read a passage from that report. It says:—

'It is apparent that the position of zamindars under the Permanent settlement is very different from that of the individual holders of grants or privileges of the kind we have just described; for, while the privileges of the latter might, but for a protection such as we suggest, be swept away by a stroke of the pen with little or no injury to any but the holder of the vested interest himself, the alteration of the character of the land revenue settlement in Bengal, for instance, would involve directly or indirectly the interests of vast numbers of the population, in addition to those of the comparatively small number of zamindars proper, and might indeed produce an economic revolution of a most far-reaching character. Consequently, no Ministry or Legislature in Bengal could, in fact, embark upon, or at all events carry to a conclusion, legislative proposals which would have such results, unless they had behind them an overwhelming volume of public support. We do not dispute the fact that the declarations as to the permanence of the settlement, contained in the regulations under which it was enacted, could not have been departed from by the British Government so long as that Government was in effective control of the land revenue. But we could not regard this fact as involving the conclusion that it must be placed beyond the legal competence of an Indian Ministry, responsible to an Indian Legislature, which is to be charged inter alia with the duty of regulating the land revenue system of the Province, to alter the enactments embodying the Permanent Settlement, which enactments, despite the promises of permanence which they contain, are legally subject (like any other Indian enactment) to repeal or alteration. Nevertheless, we feel that the Permanent Settlement is not a matter for which, as the result of the introduction of Provincial Autonomy, His Majesty's Government can properly disclaim all responsibility.'

They lay emphasis on the words 'we could not regard this fact as involving the conclusion that it must be placed beyond the legal competence of an Indian Ministry responsible to an Indian Legislature, which is to be charged . . . to repeal or alteration.' They have made it quite clear. In the Government of India Act, they have taken it up in section 299. In that section they have given the Governor direction to reserve this matter for his Majesty's consent on the express view that these matters should be considered in a dispassionate manner and should not be got through in a hurry. They have visualized this contingency, it has been anticipated and it has been provided for. What is the object in our going at present into the morality of the Permanent Settlement or its sanctity? Why then do you jib at facing this problem in a straightforward manner and instead try to take your stand on the legal quibble available in support of your position? Why should we surrender the rights of the State for its . . .

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should we give it popular sanction, the sanction of a Legislature containing 215 popularly elected Members for an act which has been conceived over a century back for administrative convenience? I want the Hon. Minister for Revenue to remember this; what was the origin of the Permanent Settlement? The origin of the Permanent Settlement was, that it was devised by an administration, new to the country which had just then got possession of all the area in the Carnatic and Coromandel Coast in 1799. They were a commercially-minded administration. They were so commercially-minded that they were always looking at the balance-sheet and checking the overhead charges in relation to the income derived. They were getting 40 and odd lakhs by this method. They thought, 'Why should we spend money on the land revenue administration of this area and wait for collecting revenue with all its uncertainties in times like these? Why not take what we could get for certain?' It was difficult at that time to have access to the interior parts. We had no roads, no motor cars, no aeroplanes. Sir, I would like to know, if the Hon. the Revenue Minister by stretching his imagination, could really go back to 1802, and if he had really been the Revenue Member of 1802, would he have spent money on the land revenue administration on these areas instead of accepting what was readily available? Supposing, I suggest to the Hon. the Finance Minister that by spending some 2 crores of rupees we could really make an extra income of 5 crores, he would have merely said, 'I have got this 2 crores on hand and I am content.' Sir, this question has been decided according to the financial ideas that the East India Company had and it has to be borne in mind that they were a commercially-minded foreign administration.

"There is one other factor. Quotations from the views of the civilian administrators in the Hon. the Revenue Minister's speech represent a dislike of the Permanent Settlement and it is possible and natural for administrators who felt that the conditions which existed at that time of the Permanent Settlement in this country were disappearing to feel a dislike for such a method of revenue collection, when they felt that they were fully equipped to handle the revenue administration of the Province. The Revenue Board in its report of 1820 on the condition of the ryots in the Province, grew very eloquent and it laid down that the protection of the interests of the ryots was the primary duty of any Provincial Government, and for the matter of that, of any civil Government. As years progressed, it is easy to see that the views were hardening against Permanent Settlement. Also in 1869 when the Madras Board of Revenue recommended to the Secretary of State to declare the grain valuations imposed by the Settlement department on ryotwari lands to be made permanent, the Secretary of State in his reply stated 'that His Majesty's Government felt themselves precluded from sanctioning the surrender of such a legitimate source of revenue as the Government share of the increased value

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which has been conferred on the land by improved administration, construction of public works, irrigation and railways, together with improved prices of produce.'

"If agriculturists had by reason of the all-round progress in the country arising out of good administration obtained better value of their produce, better saleable value for land in 1869 as against 1802, I say that in 1939 when we have progressed further with railways, roads, motor cars, posts and telegraph and all sorts of things, there is no reason now to perpetuate the Permanent Settlement. In 1802, it might have been done, but it is no reason for us to do it now. In 1898 in the Tenancy Bill brought by Mr. Crole the attitude of the administration was in favour of the ryot. They felt that they were responsible for the destiny of the ryots. Then why did they change that in the Madras Estates Land Act of 1908? I am surprised, Sir, why as a politician the Hon. the Minister for Revenue made no mention of it. If there was a change in their attitude, why did they change? The reason I feel was the commencement of the partition agitation in Bengal which in due course spread even to South India. The bureaucrats felt that thereafter their duty lay only to the vested interests as against the masses. And, Sir, in 1939 to feel that the Permanent Settlement, so far as a part of the revenue administration is concerned, is not a necessity and on the other hand, it is an impediment towards progress of the country as a whole is, I think, perfectly right.

"The factor that really has got to be recognized is the rights of the 1,659 zamindars who are involved in this system of administration and the State's attitude towards a continued recognition of these rights. I do not wish to touch on this matter. This is a delicate matter, I do not want to say anything one way or the other about it. It is for the State to decide as to whether they are going to recognize their claims and deal with them on that basis or whether they are going to do away with it without further ado. These are the things which I have no desire to discuss on the floor of this House. Sir, I have referred some time ago to the administrative impossibility of carrying out the recommendations of the Committee to fix a money value of the zamindar's share of the produce on the basis of the 1802 ratio between produce and prices. I have also suggested that the Committee had no clear idea as to how this goal was to be achieved where, as in many cases it appears to be a fact, no data were available. There are several instances in this report to support my view. Take for instance the question of the definition of 'ryot.' I should have liked the Committee to have followed the 'Tenancy Bill's' definition. Then with regard to the relinquishment of pattas, that starts up a conundrum about the right of relinquishment by the ryot and the zamindar's right of conferring it on somebody else. I am not commenting on it. Then there is the very important

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question of prices in 1802. The value of the recommendation depends upon how we are going to arrive at this. That again takes me to another important point, the one about exchange. That was referred to by the hon. Member from the European group from Calicut. I do not see how the chapter on ratio has any relevance to the Committee's report. The Hon. Minister sought to prove that the ratio adversely affected us, I think it affected the ryot, the middleman, it affected the zamindar and the country as a whole as against the Britisher. I am a student of this exchange question in a small way. I do not think I have understood the Hon. Minister. How can it be said the ryot has been badly dealt with to the exclusion of the zamindar and the others? That is one thing. And then, in one breath this chapter of the report speaks about Majumdar's views and the Reserve Bank's duties with regard to ratio which are current matters and in another it goes back to 1865 into what the Bank of Bombay did; I do not think that there is any relevancy in these references to the subject-matter, relevant to the enquiry in regard to anything stated in this report. Anyone who has only seen the title and not read that chapter of the report can be misled, as to the relation between the money ratio and the prices in 1802, but no student of exchange can find any light from it.

"There is one small error in the Report in the matter of statistics. I make a present of it to my hon. Friend who is responsible for it. The Presidency graph is supposed to represent the rise in prices from 1802 to this date. How is that graph compiled? It is compiled from the district graphs given in support of it. What has the district graph to show? Bellary commences in 1801, goes up to 1807 or 1806 and stops for a time and starts later on. Coimbatore begins somewhere in 1803. Madura at 1802 or 1803. I do not know, exactly which year, as my eyes are not very good and I have not been able to measure it. There are the other 23 districts though some districts like Anantapur, West Godavari, East Godavari and Ramnad have to be necessarily left out as they are later creations. So also Chittoor. The other districts commence somewhere in 1809 or 1810, perhaps 1812. The Presidency graph begins from 1801 or 1802, whatever it is. Six years in the case of all districts except three have been bridged very cleverly with only one stroke of the pen. But then, Sir, it does not appear to have mattered that it may be misleading. We owe it in this Province, I think, to Lord Pentland who added the third lie to the category of lies. The white and black lies are the two known lies and the third one, the product of the 20th century, is the statistical lie. Statistics are not always lies. Given a set of statistics, Government can interpret them in one way, economists in another way and laymen, like me, in a third manner. What is essential is that one has to go back to see how the statistics were secured. If the sources of these statistics are reliable, it gives us a chance for a reasonable guess. I know graphs and statistics

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have only a limited sanctity. Here, Sir, there are these 23 districts, ^{4 p.m.} out of which three have some bearing on the Presidency graph for the first eight to ten years and the rest have nothing. Still, they have prepared a Presidency graph which begins from 1802. I do not wish to accuse the Committee of a wilful error. Far be it from me to make any such suggestion. But there is a certain amount of bad odour attached to such defective statistics if an officer of Government had to do it, and, when such flagrant errors are pointed out on the floor of the Legislative Assembly, I am sure the Hon. the Finance Minister will ask for a surcharge to be made on that officer for the cost of the production of that document. I commend the suggestion to the House that a surcharge can be made on the Committee Members and the amount collected from them. (Laughter.)

"There is the question of shists which has been referred to by the Hon. Minister. It does not appear to have been held by anybody that the commutation of the shists should be made on the basis of the prices obtaining on or about the date of the Permanent Settlement. The Special Commissioner who was appointed in connexion with the Permanent Settlement, Mr. Webbe was asked to define specifically the ryots' rights in the note submitted by Messrs. Hodgson and Greenaway. The name of Mr. Hodgson is very often found in this report. What he and Greenaway asked Mr. Webbe was to reiterate that the zamindar's right was confined finally to an extension of the amount and not the rates of the customary rent by an increase of cultivation, secondly to a profit in dealings in grain where rent was rendered in kind and thirdly to a change in the culture of land. Messrs. Hodgson and Greenaway anticipated trouble on this account and wanted to make a specific mention in the Patta Regulation. Mr. Webbe, however, preferred to leave the interpretation of the tenants' rights to a court of law. I want to show that I do not think they had this idea of taking the decision in regard to the money value at any time back to 1802. It was expected to be elastic to this extent that if there was increase in the cultivation, the zamindar was to get the benefit. If there was an improvement of culture and thereby an increase in the produce, the zamindar was also getting the benefit but only to the extent of his share. In the Board's Proceedings of 1864 it was clearly indicated that the zamindars were left all the benefits derivable from extension of cultivation of waste lands and forests and improvements in the culture of the lands, increase in the share of the profits as a result of increased output in the land. Sir, I request the permission of the House to refer to a very interesting book on this subject with the title of '40 years of progress in British Administration.' The book was the product of the pen of the late Mr. Srinivasaraghava Ayyangar, who was Inspector-General of Registration and an experienced administrator. It has now attained the status of a source book. Dealing with the problem,

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he says, 'The question involved in according legislative protection to ryots is therefore not what shall be taken away from the zamindars and given to the ryots, but how shall the zamindar while being allowed to enjoy to the fullest extent the enhanced value of his share, be prevented from appropriating so far as legislation can do, the enhanced value of the ryot's share.' If there are adventitious aids in raising the value of the share of either the zamindar or the ryot, each one of them gets the benefit of the increase to the extent of his share. It is strange that this report has no reference to Mr. Srinivasaraghava Ayyangar's views possibly because though he was a pro-ryot, he took the administrators' view on the question and they had no use for the views of the administrators.

"Sir, there are other questions like forests. I have condemned the Report from one point of view. We are coming now to the operative portion of the Report. I would ask if it is possible to ask the Government to apply the recommendations regarding forest to the ryotwari pattadars as in the case of the zamindari ryots. I have found that in some cases Government forests demand heavier grazing fees than the zamindars do. It would be one thing for the Government to take over the forests in zamin lands. But how are the zamin ryots to administer the forests if possession is to be handed over to them? That is the conundrum postulated.

"There is another point with regard to irrigation. The zamindar is supposed, according to the proposed legislation, to carry out the irrigation improvements without increasing the rent, as the zamindar will only be doing it out of the ill-gotten exactions from his ryots. The Government are in the same position. They have been collecting land revenue and the excise revenue all of which have been coming from the agriculturists. Your revenue has been derived from the agriculturists. You have now built the Mettur Project. Would you like to give Mettur water free? Why don't you set an example?

"I now come to an important point where I have some difficulty. The point is in regard to the presentation of the Committee's Report by the Hon. the Revenue Minister. I take it that his speech does not claim to represent the Government's view. If I am wrong I expect to be corrected. It is an anomalous position for the person who is at the apex of the land revenue administration of the country to present a report, the recommendations of which in his administrative capacity it may not be possible for him to reconcile. The other day you said, Sir, that you appointed him as the Chairman of the Committee. The error was, however, in accepting the chairmanship, because he is placed in an invidious position. It is not possible for us to know how he would reconcile his position. We are all human and he is as much human as any one of us here. The second thing with regard to the presentation of the report is

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that the Government should have reviewed the Report—an act which ordinarily comprises of a general statement of policy and the expression of the administration's view on it. There are people like me who do not know much about . . ."

MR. SPEAKER:—"Government's review of it? How can Government review a report before its presentation? It is a Parliamentary Committee. There is no such thing as Government reviewing it."

* SRI T. T. KRISHNAMACHARIAR:—"I am open to correction. I think it is customary for a White Paper to be issued."

MR. SPEAKER:—"It cannot go to the Government before it is presented to the Parliament. No report of a Parliamentary Committee can go direct to the Government."

* SRI T. T. KRISHNAMACHARIAR:—"I bow to your opinion. But my recollection was a White Paper was issued immediately after the Simon Commission reported."

MR. SPEAKER:—"This House has got the first right. I do not think there would have been such a breach of the Parliamentary procedure."

* SRI T. T. KRISHNAMACHARIAR:—"I am quoting what I think happened in Parliament."

MR. SPEAKER:—"I give the procedure. No Parliamentary Committee can submit its report to the Government before its presentation to the House."

* SRI T. T. KRISHNAMACHARIAR:—"I am aware, Sir, that you are a precisian and your knowledge of Parliamentary procedure is profound. I am only an infant as compared to you on this subject."

MR. SPEAKER:—"The House is entitled to have the first presentation and the Government cannot claim to condemn the report or to review the report or to criticize it before it is presented to the House and the House considers it. The House that appoints the Committee has got the right to consider and discuss the report."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Mr. Krishnamachariar does not represent the Government to call for a reply from the Speaker."

* SRI T. T. KRISHNAMACHARIAR:—"May I ask the Hon. the Premier to repeat his statement as I was not able to follow it."

MR. SPEAKER:—"It is not quite necessary. I think the hon. Member may go on with his speech."

* SRI T. T. KRISHNAMACHARIAR:—"I am asking this House to listen to me to this aspect of the speech of the Hon. Revenue Minister on the Report. I am telling the House that he has presented it in his capacity as the Chairman of the Committee.

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He has had nothing to do with his official position here as the Minister for Revenue. I also want the House to note the presentation of the report and the manner in which it was done. It was the view of one man as distinct from the view of the Government. I think, Sir, I have generally demonstrated to the satisfaction of everybody that there is no sanctity attached to Permanent Settlement. About the question of going back to the position of the zamindar and ryot in 1802 it has not been proved how the same set of conditions as those prevailing in 1802 could be re-created. The question of fixing rent on the 1802 basis is also administratively impossible. The facts and figures furnished by the report are not really correct and the recommendations are not operative from the actual administrative view point. I do say that I do not belong to or represent the Government. I make no such claim but I do say I have enough administrative sense to say that they are administratively impossible. I want the House clearly to understand that they are not committed in this matter, even as supporters of the Government. They have to efface altogether from the picture that it was the Hon. the Revenue Minister speaking and remember that it was only the Chairman of the Committee, an advocate presenting one side of the case and nothing more. My own feeling is that it has got no more claim in it than that of an advocate's speech. It is for us to judge as a House. I want Members to erase from their minds any possible chances of misconception. Sir, the report has revealed, among other things, the distress of the tillers of soil. It is acknowledged in page 142 that the case of the under-tenant requires very serious enquiry and that the Committee is not competent to handle it. It has also been impliedly recognized that the introduction of ryotwari rates in zamin areas will not meet the situation. I want to read one particular passage to denote the approach to the problem by the Committee which I humbly maintain is a wrong one. At page 257 they say—

'In recording evidence and also in regard to our findings we have taken particular care to see that the Permanent Settlement Scheme is not violated in any single respect. In the evidence recorded by us some of the ryots demanded that the proportion should be fixed at one-ninth while some others demanded some other proportion. There were others who requested that they might be put at least on the level of the neighbouring Government rates. This was said in ignorance of their rights declared and admitted at the time of the Permanent Settlement. Owing to the distance of time, they did not know that the land revenue assessment (rent) had been fixed permanently. On the other hand, they believed that they were liable to pay enhanced rates of assessment. Therefore, the demand for the adoption of the neighbouring Government rates was not made with full consciousness of their rights and liabilities. It was demanded almost in a spirit of despair because they believed that no redress was forthcoming from any quarter in spite of their agitation. We should not therefore take the proposal made by them in the course of their evidence as a considered or a correct one.'

"I do not want to say anything about the manner in which the Committee attempted to deal with the problem. That shows

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that most of them went with a prejudged mind, with the idea to back the Permanent Settlement, possibly for different reasons. But there is the indication that they were not prepared to accept the evidence before them which was contrary to their prejudged views. I am sure that indicates that the enquiry was not conducted in the judicial manner in which it should have been done.

"Sir, with regard to any constructive suggestions that could be made, the hon. the Muslim Member from Kistna has made certain proposals. But I do not think that it is really right or proper for a Member like myself sitting on this side of the House to say that those proposals ought to be discussed now and I feel that it would be more fitting if such proposals as have been made by the hon. Member from Kistna be put forward when the operative proposals in the report are being discussed on a different occasion. At the same time, I would point out that we should now take our stand on the report as it is presented to us. Surely, I for one, agree with the remarks of the hon. the Muslim Member from Kistna in so far as they relate to the betterment of the conditions of the ryots, but I am not sure what the hon. Member means exactly by his proposals." 4-15 p.m.

MR. SPEAKER:—"As a transitional arrangement, he wants that pending the elimination of the zamindaris and other proprietary estates, by payment of compensation, the settlement of land revenue in the zamindari and other proprietary estates be made immediately on the basis of ryotwari settlement principles."

* SRI T. T. KRISHNAMACHARIAR:—"I should like to leave the question of interpretation of my speech to the Hon. Minister. Anyway, so far as his suggestion that the ryotwari rates may be introduced, I would submit that even the ryots of the ryotwari areas are not satisfied with the existing rates prevailing there. Therefore, what I would submit is that you should look at the question as a whole. The premises are in the report there. They are not all wrong premises. Therefore the conclusion can be pretty easily drawn, if we merely proceed according to the elementary principles of logic.

"I am coming to the end. Sir, I am asking the Government only this: 'Do not try to introduce a reform in this truncated manner without looking at the land problem as a whole and reforming it as a whole, and do not let us stick to the outworn system of Permanent Settlement brought in years ago for administrative convenience and try to confer those rights on the tenants by dispossessing the zamindars of such rights, rights which were conferred on them for administrative convenience.' Therefore it is my appeal to the Government to tackle this problem in a fitting and proper manner.

"Sir, I am aware that in asking the Congress Government to undertake a more comprehensive reform of land laws, I am setting

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them at a work which may take not only some considerable time but cause no little embarrassment. I am aware, composed as we are, that a lot of us are middle class people. We represent the mirasidars; we represent the zamindari tenants who are not the actual cultivators; and we also represent the kanamdars of Malabar. The major portion of the Members of this Assembly may therefore be compendiously termed as representing the "bourgeois" element. We cannot escape from this position. So in making this suggestion to the Congress Government, I am aware I am suggesting a course not a little embarrassing to them. But a general demand of this nature is so insistent that I do not think that we can with safety postpone it. I have no doubt whatsoever that if the Congress Government, backed as it is with the confidence of the masses and having an enormous majority in this House, cannot face this question, no other Government can. I appeal to them in all sincerity not to fritter away this great opportunity, which seldom comes to any party, upon small measures, piecemeal legislation and cheap effects which, while they catch your fancy, do not fill your purse, nor further your progress. On the other hand you will be the poorer for it and the great objective that you have in view of doing good to the people cannot be achieved. I can see no real objection to the framing of a long-range policy instead of hurrying through as the Prakasam Committee has done for tackling the question of land in general, and if within the next two years, the Government have placed on the statute-book a just and scientific land law dealing comprehensively with a great subject, assuring justice to the individual worker and prosperity to the society, the Congress Government would have justified their advent to the Legislature. I may assure them, even, that they will not break the parliamentary constitution forced on India, any the less, by engaging in this great ameliorative work and I would also like to see if it is possible for the British Government to interfere by reason of any provisions in the Government of India Act or Instrument of Instructions in a just attempt to reform our primary industry in this country. Sir, with due deference to the Member of the Committee and with all apologies to its Chairman, I do not think that the Report offers a solution to the land problems that face this country. The material collected is most valuable as basis for further enquiry but the recommendations of the Committee, based as they have been on an extremely narrow conception of its duty, are hopelessly inadequate; and while they destroy the zamindar, they bring no relief to the worker but benefit a class which has less title to protection than the zamindars themselves.

SRI M. PALLAM RAJU:—"Mr. Speaker, after hearing the speech of the Hon. the Revenue Minister, nobody need speak much for the adoption of the majority recommendations. The other day the hon. Member for the Anglo-Indian Constituency, Mr. Bower, said that the fact that the ryot could not possibly have had the proprietary right, would be obvious when the majority

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members in the Committee recommended that the British Government succeeded not the Hindu but the Muhammadan rule. He also said that under the Muhammadan rule, the ruler was the proprietor of the soil and that the British Government's policy was shaped out by their predecessors. He further said that history, therefore, did not in any way support the extraordinary conclusion of the Committee that the ryot was the owner of the soil. But under the Muslim Law, Sir, the Sovereign has only a property in the tribute or revenue. He who has a tribute in the land has no property in the land. That the ownership of the soil was not vested in the Sovereign was proved by a variety of arguments. One of these is the fact that the Moghul Emperors purchased land when they were in need of it. Akbar purchased the lands for the forts of Akbarabad and Allahabad. Shahjahan purchased lands for Shahjahanabad. Aurangzeb purchased lands in Hundi and Pallam, etc., for the construction of forts. It cannot, therefore, be said that during the Muhammadan rule, the property of the soil was transferred to the Sovereign. According to the Hindu and Muslim Law the ownership of the soil vests in the cultivator. During the Muhammadan rule the Kings collected only the portion of their rajabhagam leaving the right of ownership in the cultivator. During the time of Akbar, when the survey and records-of-rights were made by Todar Mal it was upheld that the cultivator was the owner of the soil and the ruler was entitled to his share only. From time immemorial the right of the soil vested in the tiller until the Permanent Settlement was introduced by the Company's Government when the zamindaris were created.

"I need not say again that these landholders were the creatures of the Company's Government whether they be the descendants of ancient rulers of the land or rent collectors or *sub-izaradars*. The status of the zamindars cannot be put higher than that of the rent collectors during the Permanent Settlement. Endeavours were made to draw distinctions between them whether they were descendants of the ancient rulers or rent collectors of recent origin. The great zamindaris in the Northern Circars pressed for the claim.

"As a matter of fact these ancient rights, if any, were destroyed by the Moghul Rulers and their vassals at Golconda. The Muslim Rulers used to appoint zamindars which means rent collectors, *deshmukhas* or *deshpandhes*, to manage a portion of the country on condition of paying full revenue after deducting 10 per cent. But nowhere it appears that they were ever allowed to attain to sovereignty, being always kept under subjection and great restrictions. It is clear that they were only to manage and to collect the revenues due to the Government. These zamindars were

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continued or appointed as rent collectors by the East India Company as in the Muhammadan period. Sometimes their role was that of sub-renters under izaradars like Hussain Allikhan.

“Of course, the Muhammadan Rulers used to find it safe and expedient and also advantageous to employ members of ancient families after conquest or annexation—sometimes their relatives who had established themselves in the country, to undertake duties of collections but they never accorded them any rights beyond that. In the whole of the history it is found that there has been a perpetual change, removing old zamindars and creating new ones and again appointing the old ones, both by the Muslim Rulers and under the Company's rule. The engagements under a sovereign state were subject to revision at any stage. The most acceptable and convenient were retained; but not the fittest. Therefore, Sir, the present landholders are only the creatures of the Company's Government. I request the hon. Member, Mr. Bower, not to bring in the semi-independent States and zamins like Ramnad and Kalahasti. If he refers to the gazetteers and manuals of those districts, he can trace their origin.

“Whatever might be the origin of the zamindar, the Permanent Settlement was to have ensured the collection of revenue from the ryots by the zamindars. What induced the Company's Government to introduce various regulations as Permanent Settlement can be known from the speech of the Hon. Minister for Revenue.

“After the breakdown of the central power, the country was under military rule. The rule of Maharattas, Hyder Ali, the Viceroys of Golconda and Hyderabad and other rulers was admittedly of the nature of military occupation and rule. It cannot be expected that established usages and customs of land revenue policy would continue during times of turmoil and unrest. Before the Company's Government established their hold on the country, the country was in a state of confusion and there was no stability for the ryot. The rent collectors used to defraud both the ryots and the Government. It was at that time the Permanent Settlement was introduced by the Company's Government.

“Whatever might be the incidents of the Permanent Settlement it is only an arrangement as between the Company's Government and the rent collectors, auction bidders and a few lineal heirs of the ancient Rajas who survived. The ryots were not the parties to it even though they were the owners of the soil. Even this arrangement was entered into subject to the usage of the country, the customary rights of the ryot in the land and also the other inherent and appurtenant rights of the ryots and villagers.

“Even though Todar Mal during Akbar's rule fixed the land tax at one-third net at the most, and during Hindu rule it was one-fifth net even during the times of famine and war, at the

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time of the Permanent Settlement the land tax was fixed at half net in some cases and half gross in some cases. Out of this the landholder is allowed one-third; that is, his share was fixed at one-sixth net, besides the benefit of the increased revenue derived from the extended cultivation which he might bring about by the assignment of waste lands after 1802.

“According to the Permanent Settlement the peshkash was made unalterable and the tax was also made unalterable. Out of the sum of 82 lakhs fixed as land revenue the landholders were allowed 27 lakhs, besides, of course, extra income derived from the waste lands assigned from time to time subject to the rates of 1802. The tax and the peshkash for every village in each zamindari was ascertained and fixed and posted in the registers. That the zamindars had been adhering to this is seen from the records submitted by them to the Government through the Collectors of districts for a long period. For example, from the records in the Collectorate of East Godavari, Sir, the tax also was shown by the zamindars unaltered till 1898. In East Godavari the Pithapuram Estate has 128 villages and the rent roll was about Rs. 3,92,500. In the year 1890 it was Rs. 3,74,538, in 1896 it was Rs. 3,74,538, in 1898 it was Rs. 3,74,534 but in 1934 it was Rs. 8,79,035. The peshkash was fixed at about Rs. 2,54,000. In the year 1890 it was Rs. 2,48,158, in the year 1893 it was Rs. 2,43,869, in the year 1898 it was Rs. 2,43,748 and in the year 1934 it was Rs. 2,31,810. Of course the decrease in peshkash is due to the acquisition of lands for the canals and roads and a proportionate reduction in peshkash. From the figures I have given it will be seen that the tax was not enhanced or at least was not reported to have been enhanced till the year 1898. There are several estates like this in East Godavari and from all the estates, figures have been reported to the Government. And it can be found from the registers kept in the Collectorate that the tax was not at all enhanced till 1898.

“Some of my hon. Friends are fearing how to trace out the rates of 1802. The income of each village prior to the year 1802 was taken and the average was fixed permanently and unalterably as land-tax and one-third was allowed to the landholder and two-thirds was fixed as peshkash. From *goshparas* kept for six years previous to 1802, can be found the total extent of cultivation of each village, the tax collected, the waste lands and communal lands, the inams and other things. The extension of wet lands, the extension of garden lands and the extension of dry lands and the collection on those lands are available for each year. The *inam* settlement was made on the strength of these registers. These *goshparas* are regularly kept in the Collectorates as permanent records.

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"The hon. Member representing the Anglo-Indian Constituency has admitted that individual zamindars in the past might have grossly misused their powers. I request the present zamindars, Sir, through their representatives in the House to rectify them at least now after knowing facts fully.

"The hon. Member, Mr. Bower, said that if the Government desired to ameliorate the condition of the ryots and redress their grievances the members on the Opposition would be in entire agreement. I thank him, Sir, for that on behalf of the ryots and request him and other members to support the motion of my hon. Friend, Sri Kala Venkata Rao, requesting the Government to enact early legislation on the basis of the Report.

"I request the hon. Members to make the zamindars consent to take one-third of half net which is their due according to the Permanent Settlement and leave the rest to the Government, to establish a system of uniform tenure which will ultimately tend to readjust and reform the whole system of taxation on modern lines and to ameliorate the condition of the toiling masses of the Province and to devise ways and means for economic, political and cultural advancement.

"Sir, it was a surprise to hear the Zamindar of Mirazapuram say the other day that evidence was taken by the Committee without making a list of the witnesses previously. I am afraid, Sir, that the hon. Member has forgotten the instances when he requested the Chairman of the Committee several times to postpone calling certain witnesses to further dates as he was not ready with the necessary material and as the zamindars or the representatives of the particular estates to which the witnesses belonged were not present to furnish him with material to cross-examine the witnesses. The lists were prepared previously and the witnesses were called in order on agreement among the members.

"The hon. Member representing the Indian Commerce constituency said just now that hon. Members of this House attach too much sanctity to the Permanent Settlement which was enacted by a body of merchants. It is gratifying to hear that observation from an hon. Member representing a commerce constituency. He has found fault with hon. Members, especially those belonging to the Congress party, for attaching sanctity to 1802. Sir, members of the Congress party attach as much sanctity to the Permanent Settlement of 1802 as to the Act of 1935. But Sir, we have to take the present conditions into consideration and the contract which the Government and the zamindars entered into in the year 1802. According to that contract the zamindars were entitled to one-sixth of the net produce for services rendered to the State and nothing more. To show that the zamindar is entitled to only one-sixth of the net produce or one-third of half net, the Report basis itself on the Permanent Settlement. Besides

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this the zamindar has got no other right. He has no right to enhance the rents nor to appropriate to himself the forest rights which were left to be enjoyed by the community in general. With these remarks, Sir, I resume my seat and leave it to other hon. Members to support the motion of Sri Kala Venkata Rao."

BASHEER AHMED SAYEED SAHIB BAHADUR:—"Mr. Speaker, I do not want to traverse the ground that has already been traversed. Let me even at the outset say that my opinion is going to be the opinion of a gentleman of common sense, a matter-of-fact gentleman. I do not want to go into the legalities or illegalities of the several questions. Sir, ungrudging approbation of this House and of the public at large is due to the Hon. Minister for Revenue for having placed before us this monumental and thorough report. The sincerity and earnestness with which the problem has been dealt deserves congratulation from every side of the House. It has been asked: what is the justification or sanction for this great step that has been put forward by the Hon. Minister as the Chairman of the Committee? That there is a dire need and necessity for an examination of the entire land revenue system cannot be denied. Nor could it be disputed that a thorough overhauling of the land revenue system throughout the Presidency is urgent and desirable. Good government of the Province, security, protection, prosperity of the subjects and improvement of their condition make it a paramount necessity that some endeavour should be made in the direction of resettling the relationship of landlord and ryot on a fresh and permanent basis. No government can be prevented from doing what is thus found just and necessary in order to meet the present day circumstances and in the general interests of the community and country. The question that arises is as to why the entire problem of land tenures is not being tackled. The only defence for this partial attempt that I can give is that 'half-a-loaf is better than no loaf.' I should welcome this partial attempt also on the ground that this will lead ultimately to an all round re-examination of the rest of the land tenures in this Province as well. Because it is a partial attempt it cannot detract from its value to any the least extent. The problem is so vast that perhaps a piece-meal disposal is the most expedient course. Besides, the necessity for the development of agriculture, the cultivation of a spirit of independence, the development of commerce and the restoration of peace and contentment among the ryots justifies this attempt in a large measure.

"If reform is needed, Sir, and if it is urgent in the interests of the people, millions of whom are cultivators, why is it that the Permanent Settlement is being sought to be confirmed instead of being altogether abolished? This is another question, Sir, and a very important and pertinent one, when it has been admitted on all hands that the Permanent Settlement was in itself bad and

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wicked, that it has served its time and that it is now a great hindrance and a drag on the steady progress of the people and their agricultural, commercial and political advance. This is a fundamental question of policy which the Hon. the Revenue Minister will have to answer in his turn. I can only say that while there is every justification to assimilate the status of the zamindari ryot with that of his brother in the Government tracts as early as possible and relieve him from the misery, bad feeling and oppression which are found to exist in zamindari tracts, there is no justification to postpone the dealing with at least a part of the problem any longer. The earlier the better. When you are out to reform, why perpetuate the Permanent Settlement which has been condemned as wrong and iniquitous? The report does not furnish any answer to this, though one of the minutes of dissent has raised this point.

“ Now coming to the findings and recommendations, it must be conceded even at the outset that every conclusion is a bone of contention between the parties concerned. It is indeed most striking that the landholder has not conceded even a single point in favour of the ryot. There seems to be no common ground at all. This is most unfortunate. Beginning from the question as to who is the owner of the soil and ending with the question as to what is the position of the inams, every point is the subject of controversy. It is curious that both parties to the controversy rely on the same set of regulations, instructions and enactments but arrive at different conclusions, the only difference being that while the zamindar relies too much on the decisions of court and the later enactments of 1865 and 1908, the Committee would entirely depend on the original terms of the regulations and instructions that came into existence in and about the year 1802. It is obvious that the majority would characterize all the later juridical and contractual development of the relationship between the landlord and the tenant as an unwarranted excrescence deserving no notice whatever.

“ Still in the maze of this controversy and bitter strife, a few broad facts would emerge and these seem to be almost incontrovertible. I shall confine myself only to those and no more. The first among these appears to be the question of the proprietary right to the soil. It seems to be beyond doubt that whatever might have been the theoretical notion as to ownership of the soil being vested in the State, the broad truth remains that for all real and practical purposes, the ownership of the soil is that of the ryot and not of the landholder or zamindar. A discussion of this question is not only purely academic but seems also to be futile from all points of view. Considered from this aspect, it must be admitted that the landholder is only an assignee of land revenue. In order to place this view beyond dispute, it may be necessary to nullify the effect of existing juridical pronouncements by means of suitable legislation.

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“ The crux of the problem of the landholder versus the ryot appears to me to centre round the question as to whether in 1802 the peshkash alone was settled permanently or whether the rent payable by the ryot was also settled. On this issue, facts could be martialled on both sides. While it is quite certain and indisputable that the peshkash has been settled once for all, there is still an air of uncertainty and doubt about the issue as to whether the rent payable to the landlord was also settled in 1802 by means of the Permanent Settlement Regulation. But this much seems to be certain and beyond question, namely, that it was the clear and unequivocal intention of the Government expressed through the various regulations, that the rent payable by the ryot to the landholder should also be simultaneously settled along with the peshkash according to the custom and usage then prevailing. But it is a moot question whether the Government did make any honest attempt or put forth any serious effort at any time to settle the rent also permanently as between the landholder and the ryot. Unfortunately, while expressing the clear intention and the wish that the rent should also be permanently settled, the Government seem to have left the issue to be settled between the landlord and the tenant without itself enforcing any such settlement, as it was in duty bound to do in the interest of the ryot. Things having been left to drift for a long time and the Government having allowed contracts to arise between the parties, their attempts at a later stage to protect the tenant by means of legislation, could not prove of much avail to the ryots who had steadily lost their original rights. The result was that, at the time legislation was undertaken, the Government could not but recognize and stabilize the state of affairs that had then prevailed in the zamindari. Several other factors also seem to have operated against the attempt of the Government to restore the ryot to his original position as it stood prior to 1802. The intentions and pious hopes and expectations of the Government remained only on paper and never materialized and the ryot's position grew from bad to worse under the zamindar.

“ If this were the position, then the question naturally arises as to why the ryot whose condition to-day is most miserable and despicable, should not be afforded the relief which he richly deserves and why he should not be restored to his ancient rights. In short, why should not the intentions and expectations of the Government in 1802 be implemented now, if it had not done so already at any previous stage obviously owing to laches on the part of the Government? Why should not a Government with less capitalistic views relieve the ryot from the oppression and tyranny of the ultra-capitalistic landholder? I do not see there can be any objection to this. This seems exactly the aim and that is what the present Government now seeks to do. It has to be noted that the present Government seeks to achieve this only in a

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very conservative spirit and on a moderate scale. One cannot say what would have been the prospects if there was a socialistic Government. Granting that the rent was never fixed unalterably and permanently, what is there to-day that prevents the Government from so fixing it now and here? On the other hand, the exigencies of the time and the condition of the people do seem to demand such a course in order to rehabilitate the ryot.

"If it were so, then the question arises as to how best you will determine what rights, duties and privileges the ryots and the landholders became respectively entitled to and liable for under the terms of the Permanent Settlement and as to how far these have been enjoyed and discharged by the ryots and landholders respectively. Any findings that may be given by any committee of laymen or publicists on these points is liable to be questioned by one or other of the parties. The difficulty is all the greater when one realizes that there is not readily available any adequate data or material in the shape of records and deeds which would yield indisputable conclusions at this distance of time, nearly 136 years later. In order to lay such an issue at rest once for all, the only feasible way seems to be to constitute a judicial tribunal and allow the parties to establish their respective claims once for all. This, of course, involves delay and further expenditure, which cannot be helped.

"If this is not to be done and if it is held as a proved fact that the landlord is not entitled to collect anything beyond one and a half times the peshkash then, the question stares you in the face as to why the Government allowed the landholder all these years to collect such enhanced and unauthorized rents in the first instance and in the next place as to how the landlord could be deprived of the benefits of the collections which he has been so far enjoying for the last 136 years with the active connivance of the courts and the Government. Not only this; but the further question also arises as to why the subsequent purchaser of the landholder's estate and interest in the zamin should also be made to suffer. The subsequent purchaser has obviously advanced large sums to the landholder and such payments must have been only on the basis of the then existing rent-roll. Why should a mortgagee be deprived of his rights who has taken the mortgage on the *bona fide* belief that the rent-roll is based on just contracts subsisting between the landholder and the ryots and that such contractual obligations are governed by the law of the land enacted from time to time by established authority for the regulation of the relationship of the landholder and the ryot in almost every conceivable matter in the estate.

"A reversal to the position as it stood in 1802 would brush aside all the just and equitable rights of these *bona fide* alienees and it will therefore amount to a wrongful deprivation of their

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legitimate claims and rights. Justifiably then such a step would be called expropriatory and confiscatory. But is this the only just and equitable method of approach to the problem? I say, 'No.' Do we not contend that the rights of an individual which have become ancient and are founded on a series of judicial decisions and on legislation for over thirty years should not be denied to him altogether without any counter-balancing benefit to him? There is no wrong which could not be righted by the payment of adequate compensation in the material sphere. Therefore if the Government propose to relieve the ryot and if such relief involves inevitably another section of the people in distress and misery, it is but fair and necessary that reasonable compensation should be paid to the party whose rights are affected by the proposed course of action. Considered in this light, the landholders would become entitled to compensation for the loss of their rights which they have hitherto enjoyed on the strength of legislation and decisions of courts of competent jurisdiction. But then the point that arises for consideration is whether it is desirable and wise to pay compensation to the landholders and at the same time retain the Permanent Settlement which has never been approved of in this Province. What is the guarantee that even after this reformed Permanent Settlement, things would go on as desired? What is there to show the landholder and the ignorant and stupid ryot would not conspire once again and allow things to degenerate as of old? What is there to prevent the repetition of history? A change of Government itself might undo everything that is now made and perfected. The intervention of courts of law could not be avoided by any means either, when parties are left to seek remedies and enforce their mutual rights against each other. The lawyers cannot but thrive.

"Therefore in the interest of securing and maintaining the required atmosphere for the well-ordered development of agriculture and commerce, the only feasible way seems to be to liquidate outright the estates of the landholders, on payment of reasonable and just compensation to be determined by a properly constituted Expert Commission. It may be that such a Commission should be given definite instructions as to the principles and 5 p.m. basis on which compensation should be determined. The payment of such compensation can be arranged for by raising a big loan or by the issue of bonds, as the case may be. The Government would not lose anything in such a transaction; nor would the zamindars be at any great disadvantage. If they could be paid compensation at rates ten or fifteen times the average rent roll during the last thirty years, deducting the peshkash and collection charges and other costs of repair and improvements to irrigation works, etc., they should indeed welcome such payment. It would relieve them of a great responsibility and the worry of collecting

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and maintaining their estates. They could put the money to any useful and fruitful venture and prove themselves worthy citizens, instead of the spendthrifts and extravagant debtors that they are to-day.

“ But if the landholders would not accept such a proposal which they should themselves have offered to the Government of the day, I can only say that they do not keep pace with the moving times or do not know their interests; and you know that those who do not march with the times will have to rue the event. They would be well-advised to turn to the pages of history for a while and visualize to themselves what is in store for them in the dark future.

“ From the point of view of Government, I would earnestly urge that considering the several insurmountable difficulties and impracticabilities which their scheme of restoration bristles with, the most feasible and easy course is the one that is suggested in my amendment. This course will put an end to all further complications and make the way easy for the settlement of a policy in regard to land revenue assessment, not only in the estates so liquidated but also in the Government tracts. They can start with a clean slate and ensure a new orientation to the problem of land revenue system in this province. Besides, by effectuating this scheme of liquidation, the Government would not only be able to pay off the compensation, but could also add to the revenues of the State enormously. I dare say the loss of revenue involved in prohibition could be easily made up if this scheme were put into force.

“ With these words, Sir, I respectfully beg to commend to the House the amendment which I have moved.”

Sri R. M. Palat, Sri Diwan Bahadur A. Appadurai Pillai and Sri G. Krishna Rao rose.

MR. SPEAKER:—“ I think the movers of amendments should be given preference. Mr. Krishna Rao may now speak.”

* SRI G. KRISHNA RAO:—“ Mr. Speaker, Sir, I thank the Hon. the Revenue Minister for his very lengthy and elaborate exposition of the report which he gave us the other day. As a sustained intellectual effort and as a physical effort also, Sir, I think it breaks the record of all speeches made from the Ministerial benches up till now—I think I am right in saying that—and it has been a very able speech. Though I have not been able to see eye to eye with the Hon. Minister in all matters, I cannot help admiring his effort, Sir. Sometimes when passionate advocacy obscured the practical outlook on this matter, I thought the old lawyer in him was holding him under check, the practical

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politician. Whatever it be, it is a fine performance, and I think it is a thing to remember—in the best sense, and not in the worst sense.

“ I shall now deal with the report, Sir. The report that has been presented to this House by the Estates Land Act Committee is the result of their strenuous labours. The Committee took upon themselves to examine and report on the working and details of the administration in the zamindari and proprietary areas and suggest such legislation as may be necessary therein. The Hon. the Minister, Sir, said that the contemplated legislation was intended by the Government to promote a better understanding between the landlord and the tenant. He further said that, in regard to the constitution of this Committee, there were certain friends, certain gentlemen—whether in this House or outside the House I do not remember—who did not want a Committee to be appointed at all, who thought that all the materials necessary were there already, that a Committee would only delay matters, and therefore suggested that the Government could go forward straightaway with the legislation and also, the Minister said—I believe—that the Government did not think it right to legislate ordinarily on such matters without having a proper Committee to go into the whole question, to take evidence on both sides, to investigate into the whole problem and produce an impartial report. Sir, the report of the Committee is now before this House and it is for us to say how impartially and how evenly they have carried out their business with regard to the conflicting interests as between the landlord and the tenant. The report itself, as we all know, is a vast bulk of printed matter running into many volumes, covering the whole problem of proprietary estates in all its details, with a bulk of evidence and memoranda submitted to the Committee and various other details including State papers, etc. It is not possible, with the best will in the world, to master all the details contained in the report and to condense everything one has to say in one's speech, unless perhaps one has the stamina and perhaps the opportunity of the Hon. the Revenue Minister to do it and unless one has the necessary time at one's command in this House. So, Sir, I propose to confine myself to one or two important aspects of the report and lightly touch upon others.

“ Sir, the first reference in the report is to the juridical relation between the landholder and the tenant. From my point of view, whatever my friend, Mr. Basheer Ahmed, may say, this is a matter which has already been settled. There has been absolutely no antagonism or difference between the landholder and the tenant with regard to their respective rights. We do not see anywhere at the present time any such difference; and whatever differences there were, past legislations have set them at rest; and

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especially the Act of 1908 which gave the ryots the right of occupancy has settled the matter more than 90 or 95 per cent. There is no need therefore now to go into this matter. It may be called an academic or a practical point; but whatever it is, I have got to say that so far as I have been able to see, if the Government wanted an ameliorative legislation, they need not go into the juridical relationship between the landholder and the tenant. As a matter of fact, as I have said, there has been no contention of their respective rights to any very great or militant degree; but inasmuch as the Committee has taken up this matter under the purview of its enquiry, I think, Sir, after all the Herculean labours that have been spent on this question, the Committee's findings do not throw any real light on it.

“The Committee has assumed that the Permanent Settlement Regulations of 1802, which vested the zamindar with proprietary rights did not confer upon the zamindar the ownership of the soil. It is obvious, Sir, that in 1802, owing to various State reasons, owing to historical vicissitudes and necessities, the Government had to take this step; and it has been stated very clearly in the Regulations that this right has been specifically vested in the zamindar. That could not be denied by anyone, so long as the Regulations are what they are at present. It has also been well-established by various judgments by impartial and eminent judges and by interpretations or decisions given by them and capable administrators who have gone deeply into this question and given their most considered views on this matter during the last 150 years; and I should say that during this long period, this right of the zamindar as proprietor of all properties which he has been enjoying has not been challenged; at least after the year 1908 there has been no such challenge with regard to his proprietary rights. This Committee now come forward and say that the zamindar has no proprietary right in the soil, that he is only a collector of revenue, that the ryot is the sole owner of soil and that this Committee alone has got the exclusive wisdom to interpret the Permanent Settlement Regulations, that no other body was able to do it before and that all the judges, jurists and administrators who have taken the trouble to look into the matter and judge, according to their best lights, have all gone wrong. Sir, whatever may be the intellectual capacity of this Committee, with due respect and regard to the Committee, I say it is too large a claim to make. It is a well-established principle now that there is a co-existing right as between the landholder and the tenant; it is not as if the ryot has been left in the lurch; it is not as if he has no right at all. He has a right and the zamindar also has got certain rights. That has been acknowledged and that has been clearly acknowledged, so far as legislation goes; the right of occupancy, a very valuable right, a very tangible right, has been given to the ryot, and he has not

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been neglected; his rights have been secured to him. It is transferable and alienable right; he can sell his land; he can convert it into money; he can do whatever he likes with it, provided the rent due to the zamindar is paid. That is how it is. And the zamindar has got certain other rights; he has got rights over minerals, over waste lands, over forests and over water-sources, just as the Government have such rights

Government areas. It cannot be said that the zamindar got those rights all of a sudden when he has been enjoying those rights all along, when lots of money have been sunk by him in their development and in their improvement and in so many other ways; it cannot be said that as if by a stroke of the pen you in brush aside all his claims and say that he has no claims at all. He has been enjoying certain residuary rights, or whatever you may call them, which have been given to him specifically by the Government of the country under the Permanent Settlement Regulations. He has got the right to admit a man to cultivate the land before he gets occupancy right; he has got the right to evict a man

if he destroys the cultivable quality of the soil or does any mischief or act of vandalism to destroy the fertility of the soil. That right is his; he has got the ultimate reversionary rights, that is to say, when a man has got occupancy right and he dies intestate and has left no heir, his right of occupancy extinguishes, and the land goes back to the zamindar—just as in Government areas, when a man dies intestate, the land goes to the Crown. In other words, the zamindar has been given or delegated certain rights by the sovereign of the country and he has been enjoying those rights. It is indubitably true that he has got certain superior rights, and so the right view to take will be to accept that he is the administrative partner of the soil as the Government is in ryotwari areas and the ryot the productive partner holding the right of occupancy in the soil. Sir, in contradistinction to the rights enjoyed by the landholder and the rights of the tenants, I would like to read a passage which explains definitely and precisely the situation as it was exactly at the time of the Permanent Settlement.

“That is stated in paragraph 34 of the Instrument of Instructions of the Government issued to the Board of Revenue on 4th September 1799. After referring to the proprietary rights of the zamindar, it proceeds to state: ‘that distinct from these claims are the rights and privileges of the cultivating ryots who though they have no positive or permanent right in the soil, have a right of occupancy as long as they cultivate to the extent of their usual means and give the Sirkar or proprietor whether in money or in kind the accustomed portion of the produce.’”

“Here is the definite instruction issued by the Government to the Board of Revenue and it says precisely and in unequivocal terms what the right of the zamindar is and what the right of the tenant is. As long as the tenant pays his kist to the zamindar

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his right of occupancy is acknowledged. That was in the old days. That is what I think the Hon. the Revenue Minister also said with reference to Sir Subrahmanya Ayyar and Sir T. Muthuswami Ayyar who accepted this dictum. Afterwards the Estates Land Act improved the matter further; because times were progressing and every attempt was made to place the ryot on a better and proper footing. What was said was, as long as he paid the rent there was no trouble, but only when the ryot failed to pay his rent he could be evicted, and now according to the Estates Land Act, the proprietor can proceed against him only by suing him for rent, but he cannot eject him from the holding for non-payment of rent. That is what the section in the Estates Land Act itself says. That is of course, an improvement which has been brought about. It cannot be said that the ryot's position has become deteriorated in the progress of time. If the idea of the Government is to promote a better understanding between the landholder and the tenant, I should very much like to impress upon this House that it is always better to accept the principle of co-existing rights which have been going on for the last 130 years and which have been recognized by the law of the country and try to bring in legislation in any manner that might be considered fair and equitable by this Government. The Government of this Province cannot say that it has no right in the land, it has no right in the forests, no right in the water-courses and in the waste lands. When these rights have been specifically given and transferred to the zamindar by the Permanent Settlement Regulation, I do not think it is right for the Government now to say that these things should be confiscated and they should be reduced to the position as they were before. I think it was my hon. Friend, Mr. T. T. Krishnamachari, who put it, why not the Government give the waste lands and the forests and water-courses to the ryots? Why don't you do it? Why, in such a case, do you take a different view in regard to these zamindars and try to take these things from them and give them to their tenants? I think that is a pertinent answer to the Government.

"Then, Sir, it is said that the sovereign has no right in the soil. You go back to Manu and go back to the old mystic past. Without being levitous, I would like to say that if you are going to compare the present-day conditions to the circumstances prevailing in the days of Manu, the present may have a resemblance to the past as a cock or hen will have a resemblance to an egg! Since then things have developed and have gone on changing out of all recognition and I do not think there is any relevancy in saying what was there during the days of Manu should be adopted at this time. On the other hand, if you want the historical sense in regard to the matter, I would request this Government to go to some measurable distance of time. That is exactly what has happened in this case. The sovereign rights were enjoyed by the Muhammadan and Moghul Rulers and those rights were exercised

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as sovereign rights; and during the latter part of the 18th century and in the early part of the 19th century, when the British Government took over the administration from the Muhammadan rulers, they found that they were the undisputed owners of the soil according to the theory and practice that prevailed, that the State was the undisputed owner of the soil, and they accordingly transferred those rights to their assignees. So, there is no use going back to the days of Manu, for things have now changed beyond all recognition. Times are now different from what they were during the days of Manu. After all, are we like the people in the days of Manu; and are we Brahmans doing what all that Manu asked us to do? Do you give one-sixth of your earnings to the State? All that kind of thing is no good at present. We have been violating Manu's rule in respect of all matters, but we still want Manu for the Estates Land Act alone! I am very sorry that such comparisons are brought in as arguments in a case where there is no practical realism which can be brought to our assistance from those old scriptures! The dictums that were observed in those old days are not fit and relevant to the present-day conditions.

"Then, Sir, when historical facts are like that and when you say that the sovereign had the power and he exercised full rights over the soil as any of the sanads would show, and when the British Government took over the administration from the Moghuls, according to the policy that was followed, they gave those rights to these permanently settled holders; when these facts are incontrovertible, this Committee wants to take shelter under a phrase—perhaps an undesirable phrase—'proprietor of the soil,' to comment on the wording, and say that it was used in the Indian sense. I would ask this House, what is meant by the term 'Indian sense.' Does it mean that this Indian sense is an untruth or a species of falsehood? I can understand if, as the Hon. the Revenue Minister has stated, the Europeans had no idea of our country and they said that. I am sorry that Mr. Forrest has said that. But I cannot really understand how an Indian Committee consisting of Indians could say such a thing; it is really derogatory to the self-respect and sentiments of our country. Some time ago, Lord Curzon made a statement that Indians lacked the sense of truth. At that time, the whole country was roused with indignation at that statement and the whole Indian nation rose as one man and protested against that. This Committee is doing the same thing now. It is because they want to snub the zamindar and to dispossess him of his rights by saying that it was used in the Indian sense. I want the Hon. the Revenue Minister not to smile and not to laugh over it; I am really in earnest about it in asking, as an Indian Committee how could you say that the language used was made in the Indian sense. He might explain. I do not believe that such a statement would have been expected of an Indian Committee. I am sorry that it is said that the

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term 'Proprietor of the soil' is used in the Indian sense. What is the Indian sense? It is of course excusable in the case of a European, but I cannot excuse that in the case of an Indian Committee.

"Then, Sir, if you go to sections 6 and 7 of the Permanent Settlement Regulation, here also, I am not able to understand how the Committee deduced their inference. There, in section 6 reference is made to seasonal conditions, droughts and other calamities when no remission could be claimed, but the fixed peshkash should be paid anyhow, rain or shine. Section 7 says in default the Government will attach the private property of the landholder first and then his lands, if necessary. But this Committee finds something wonderful and a ludicrous inference has been made which I am not able to understand. Because it is stated that firstly they would attach private property and then land, it clearly shows that the zamindar is not the proprietor of the soil! I cannot understand how their inference was drawn."

Mr. SPEAKER:—"In view of the limited time, I hope the hon. Member will finish soon."

* SRI G. KRISHNA RAO:—"Sir, I am not in the habit of reading much, except when it is quite relevant and that too with great reluctance. Now, Sir, section 6 provides for fixed payment and section 7 says that in default personal property should be attached. Now, Sir, if you attach the private property of the zamindar, do you mean to say that you can take away his right in the property? I am not able to understand the logic in it."

"Now, I come to the point of rent. 1802 rent is considered to be a fair and equitable rent. The Committee takes its stand on the Permanent Settlement Regulation and other Regulations passed on the same day and certain State papers. Especially after the publication of this report, I went through all these regulations and as far as my limited intelligence goes, I was not able to see anywhere that there has been any fixity of rent. With reference to peshkash it is stated in the 1802 Regulation that it shall be unalterable and not liable to be increased under any circumstances. But under the Patta Regulation it is impossible to think that such an arrangement could have been made. What the Permanent Settlement Regulation says is that a man should be there to look after the accounts, give data to the judges in case of dispute; he being a Government man, he would be able to give information about the holding, nature of the crop and various other details such as survey numbers and so on. But I cannot understand how when a karnam was appointed it shows that there has been fixity of rent. Patta regulation was intended only to determine the agreement between parties because in those chaotic days everybody was put to trouble and everything was going on in a spirit of *zabardast* because every-

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body wanted to trouble everybody else. It was only after the Permanent Settlement Regulation came, everything was regularized. Then it was required of the zamindar also to have some kind of written agreement with regard to land; that is what is meant by determined agreement. But there was nothing to prevent him from enhancing the rent or do anything which was equitable and just or to come to an agreement with his ryot. The Hon. Minister has been emphasizing so much on section 9 of the Patta Regulation. But I am not able to see what esoteric meaning is there in that section. I would like to ask the Hon. Minister to say, when he replies, what is there particularly in that section as the key point. It was a simple direction given to courts in 1802 saying that if there is no such written agreement the judge is asked to be guided by this section. It says if there is a rate in money or rate of division of crop, settle it according to the previous year's rent. But there is nothing to show that there was any fixation of prices. It is impossible to say that that section gives you any idea of how 1802 prices can be taken for the fixation of rent. If the old waram tenure is there in grain, whether the price rises or falls, a certain proportion goes to the ryot and the landholder, in which case both are benefited. Nobody can restrict that advantage to the ryot on any account or to the landholder on any account. No arbitrary price was fixed anywhere. In regard to regulation of prices you say that the 1802 prices have been fixed permanently and in perpetuity under section 9 of the Patta Regulation.

"Whatever it is, Sir, I am not really able to understand how the Hon. the Revenue Minister interpreted these sections as establishing the rents in perpetuity on the basis of the prices of 1801. I am not able to see how he derives that inference from section 9 of the Patta Regulation. On the erroneous conclusion that rent was land revenue, the Committee argues that rents are unalterable. I am not sure whether that position has anywhere been taken up in the past. Has it anywhere been so stated? The Patta Regulation says that the pattas could be renewed every year; they could have then laid down that the sanad also should be renewed every year. They could have as well stated this also. My contention is that the Committee in spite of their Herculean labours has not been able to establish that the rents were fixed in perpetuity as from 1802 as the peshkash was fixed at that time. The Committee have themselves stated:

'If only the Government had not given jurisdiction to courts to decide these disputes, but on the other hand declared in unequivocal and unambiguous terms the unalterable character of the rent in the same manner in which the peshkash had been fixed, there would have been no trouble at all.'

It is needless for me to emphasize this matter than quote this passage. This passage is the outcome of the discomfiture of the Committee. In spite of the fact that they want to prove this thing, their position has been rendered untenable by the ver

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statement that they have made and which I have here quoted. They attempt to prove an unprovable fact. I suppose that all these disprove the theory propounded by the majority finding of the Committee. Section 14 of the Permanent Settlement Regulation further makes it plain that the zamindars or landholders shall enter into engagements with their ryots for a rent either in money or in kind and shall within a reasonable period of time grant to each ryot a patta defining the amounts to be paid by him. When they have explicitly stated amount of rents in such terms they have not said that it is fixed and unalterable as they have said with regard to the peshkash. They could as well have gone a little further, spent a little more ink if they had really wanted to restrict the landholders' rights and put it down. They could have said something about the fixed character of the rent as they had said about the fixed and unalterable nature of the peshkash. The principle of fixing the rent on the basis of 1802 prices is an arbitrary one. I would ask the Committee in all earnestness if the year 1802 is such an open sesame and whether it is the logical consequence of the interpretation of section 9 of the Patta Regulation. If it is a practical proposition, why have not any other provinces taken advantage of it? It is significant that not one single province in this country has struck upon this theory. If it is really a good principle, if it is really a sound financial principle, if it is really a principle that has the basis and backing of law behind it, it would not, I submit, be lost sight of by others in our country. By the very nature of the relationship that is subsisting between the landholders and the tenants in the other provinces, people there are more keen-eyed, and keen-witted than people who are here. (Hon. Members: 'No, no.') I was saying that the relationship between the landholder there and the tenant is such that the tenant is always on the look out for provisions of law that will whittle down the rights of the landholders and such a state of things does not obtain here. People there are more militant and that is why they always search for the provisions of the law which could place them at an advantage over the landlords. People here are not like that. On the contrary no such suggestion has ever been put forward by any of the witnesses that tendered evidence before the Committee. Further I would submit to the Committee that even the Committee has said that the 1802 rents were not standardized. It was in some cases on a feudal basis and yet in some others it was a sort of military tenure. When such is the state of uncertainty about the 1802 principle, I really do not see how the 1802 principle could be acted upon on the assumption that everything was settled then, which they have themselves said it was not. Vast changes have taken place since then up till now and vast interests of the landholders have grown to an enormous extent in the estates. Added to this is the question of the disparity of the value of the rupee in the matter of its purchasing power. There is a substantial difference between what it was in 1802 and

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what it is in the year of grace 1939. I am glad that my hon. friend, Mr. Rangaswami Ayyangar, though a Congressman himself and a member of the Committee has exposed the fallacy of this theory. Properties had been bought; original parties have gone; money had been invested and things are not what they were in 1802. Under such circumstances, is it really practicable to think of going back to the 1802 rates now and trying to settle matters on that basis?

"In the matter of taking evidence and using it, the Committee has not at all used the evidence in a proper manner and that is why I want that a Judicial Committee with a High Court Judge or some Judicial Officer to preside over it should go over the whole affair once more. Evidence has not at all been properly weighed and considered. That is my complaint with regard to the manner of their enquiry. Further, I would very much like to point out that the year 1802 has not been pointed out as a solution either by the ryots or the zamindars. The Committee has fixed upon this year without any definite hint or submission by any of the people that tendered evidence; the Committee wants to force its own and pre-conceived notions and ideas as to what they want to do even in spite of what others may put before them in the course of the enquiry. My question is 'Whoever gave you an idea that the 1802 rate should be the basis for the future?' I do not really understand as to how the Committee has used the evidence before them in this peculiar manner. In some cases the Committee has been over-anxious to treat the evidence of the ryots in detail and even do special pleading for them whereas in the case of the evidence of the landholders, it has not even cared to discuss the evidence given by them, documentary evidence submitted to them. Dealing with the way in which they discussed the evidence before them, I have to refer to the passage in the report—which was also referred to by Mr. T. T. Krishnamachariar. When people came to them and said that they want the Government rates obtaining in their neighbourhood, what did the Committee say? The Committee said that they were not made with the full consciousness of their rights and liberties and that it was demanded in a spirit of despair and that the Committee should not take the proposal made by them in the course of this evidence as a considered and correct one. This, Sir, is a case of special pleading done by the Committee for the ryot. We cannot accept the proposal of the Committee. I have never seen any report dealing with evidence in such a way, the Judges themselves saying to the parties 'You do not know what to say.' It is the case of a judge with preconceived ideas saying 'Your rights are these but you are saying in a different way,' when he finds that something inconvenient is put forward by a witness which does not harmonize with his preconceived ideas and notions. I am afraid the assertion by the Government that the people did not know their rights

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is unmitigated partisanship. The proposal by the ryots was made by men who know their business and what they require. They thought that the Government rates were equitable and so they made that suggestion. But the Committee say to them 'Do not say so. Government assessment are paid by people who are in despair. Do not join them. We want that you should have 1802 rents.'

"By harping upon this 1802 rate, the Government I fear are cutting the ground under their own feet. If the rate prevailing in 1802 was equitable for the zamindari tenant, could not the same thing apply to the ryotwari land also? If the rent of 1802 was considered fair and followed, there will be repercussions in the ryotwari areas. They will not be slow to claim such advantages for themselves and they will not keep silent over this affair and they will clamour that their rates also should be cut down substantially. The safer course would be for the Government to lay down that rents which had been paid for the last 30 years or so may be continued to be paid; I may say that those rates were neither harsh nor oppressive and any increment that has been made may be cut down.

"With regard to the various other items such as forests, hills, porambokes, water-sources and waste lands, I shall not be taking the time of the House too much for we know the mind of the Committee about them. I really cannot understand how the Committee can with justification say that ownership should be transferred to the ryots. Huge sums of money have been invested and large interests have grown all these 130 years and to come and say now that they do not vest in the zamindar is unfair and it would be clearly a case of expropriation if no compensation is to be paid for the interests affected and extinguished and contrary to the intention and spirit of the Permanent Settlement. I would only like to know from the Committee what judicial decisions and statutory authority they have for assuming this position. Justice and equity demand that they who have developed at huge cost to themselves with the hope of increasing the prosperity of the ryots and incidentally getting something in return should be paid some compensation for what they are asked to give up. Otherwise it will be a clear act of expropriation.

"I have got a few remarks to be made with regard to what fell from the Hon. the Revenue Minister. The contribution by the zamindars to the Exchequer of this Province is 47 lakhs according to the figure of the Budget Memorandum and to this should be added the various cesses that are paid by them which is another 25 lakhs. So it comes to about 70 lakhs. The rent roll of the zamindaris is about 200 lakhs. So, the zamindar's contribution to public fund is about 30 per cent; out of the beriz of 2 crores about 20 per cent remains uncollected from year to year and other charges about 15 per cent of the collections have to be set

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apart for administration, for we have to meet charges in connexion with law expenses, expenses in connexion with the maintenance of the irrigation works in the estates and other things. Further while other income earners pay As. 2-9 income-tax per rupee on higher incomes, the zamindars pay 4 to 5 annas in the rupee. The payment which the zamindars make to the Government is not therefore infinitesimal but represents a substantial portion of the receipts of the Government.

"The Hon. the Revenue Minister referred to various grievances of the ryots and said that the grievances required immediate redress. He quoted Mr. Crole at length and read out to the House Mr. Crole's catalogue of those grievances. But where the Hon. Revenue Minister missed the issue was this: was there anything done to redress the grievances of Mr. Crole's catalogue, or are they still left without a remedy? I would ask the Hon. Revenue Minister to turn over the pages of the Estates Land Act; and he will see that ample remedies, have been provided for the grievances referred to by Mr. Crole. Whatever may have been the condition of things when Mr. Crole spoke, none of those abuses exist to-day. I would like to read a few provisions from the Estates Land Act and I daresay the Hon. Minister must have seen them. The first complaint is that the tenant was arbitrarily ejected from his holding. He complained that the tenant had no transferable interests in his holding. But the Estates Land Act gave him a right of occupancy and made that right both heritable and transferable. With regard to the illegal exactions which were levied the Act has provided two sections which not merely prohibit the collection of illegal exactions but impose severe penalties for any attempt to collect them. Then with regard to the landlord preventing timely harvesting of produce by not being present in time, the Act has provided that should the landholders' agents turn up unduly late the ryots could have the appraisements through the Collector. Then with regard to the oppression in collection, the Act has provided with meticulous care the procedure to be adopted for collections and has also provided for damages for excessive steps and penalties for illegal distraints. It has also provided for the grant of receipts for payment of rent. Mr. Crole loudly protested and said that landholders should not arbitrarily enhance their rates; and sections 24 and 29 of the Madras Estates Land Act provide against this. Even when enhancements were allowed to be made as a result of permanent rise in prices, the same is restricted to 2 annas in the rupee and once an enhancement is so made, the landholder cannot claim any further enhancement for another 20 years. It also enacts that wherever a rate of rent is arrived at by settlement between the landholder and the ryot the Settlement Officer has to satisfy himself that the rate is fair and equitable. The Act also provides that no

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decree should be passed unless the court is satisfied that it is fair and equitable. No landholder can claim enhancement for any improvement effected by the ryot and the ryot has the preferential right to effect improvements. Thus all onerous contracts between landholders and ryots have been expressly provided.

“The Hon. Revenue Minister complained of the failure to repair irrigation works. An entire chapter in the Estates Land Act deals with this problem. The recent amendments to the Estates Land Act in 1934 have made it very easy for the provisions of the law being set in motion. All the amendments made in 1934 Act were taken from a draft Bill prepared by Mr. Ramdas Pantulu at the time, who cannot be suspected of any leanings towards zamindars. (Laughter.) Under this chapter a landholder cannot increase his ayacut without the previous sanction of the Collector. The Collector can reclassify lands and until repairs are effected can order reduction of rents. The chapters provide for repairs being effected through the machinery of the Government when the zamindars neglect. The Hon. Revenue Minister complains that there are no communal facilities. But the amended sections 20 and 20-A provide for these facilities and even provide for acquisition of fresh land by the Collector for being set apart for communal lands. I have gone through these provisions only to show that the rights of the tenants have not been forgotten.

“The Hon. Revenue Minister spoke for two days in this House. Did he tell a word to the House wherein the Madras Estates Land Act was found wanting and wherefore was the need to further legislation? The Hon. Minister did not refer to a single reason. There is no relevancy in quoting Mr. Crole at length except it be to incite hatred and prejudice against the zamindars and probably to say that whether the landholders can do any injury now or not, their grandfathers must have done something wrong.

“With reference to certain references against the Maharaja of Pithapuram, I have to say this. It was said that the gross income of the Pithapuram estate was four lakhs in 1802 and about eight lakhs now. True. But how did this increase arise? What about the large extents of lands, which were brought under cultivation subsequent to the Permanent Settlement? The evidence adduced by the Maharaja before the Committee shows that while the extent of cultivation in 1802 was about 75,000 acres, the present cultivation is 130,000 acres. Were these 55,000 acres of fresh land brought under cultivation without any expenditure by the estate? Huge sums must have been spent by the estate before these lands were rendered fit for cultivation and could be taken up by ryots. I am sorry such statements were made with reference to other estates also without trying to understand

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what large sums of money are involved in bringing fresh lands under cultivation. It is well known that for some decades after the Permanent Settlement, the zamindars were unable even to pay the peshkash. Further the zamindars have had to pay the peshkash from 1802 without asking for remission even by a single pie whether they are able to collect rents from their ryots or not. Then again, Sir, law requires that a zamindar is bound to keep existing irrigation works in proper repair. If that is the test, the question is whether the Maharaja or the other zamindars have satisfactorily discharged that obligation. The Maharaja claims that his irrigation works are in as good a condition as the Government's irrigation works. It is for other people to deny it.”

MR. SPEAKER:—“You have already taken 52 minutes, Mr. Krishna Rao.”

* SRI G. KRISHNA RAO:—“Just a last word, Sir. I wish to tell the House one thing more. The Hon. Revenue Minister said and quoted Mr. Crole and Mr. Forbes as his authority for saying that zamindars were no more than farmers of revenue. It is travesty of history that this very piece of land on which the hon. Members of this House are to-day sitting was the result of a grant from a zamindar to the East India Company just 300 years ago. The East India Company first obtained a grant of land in this country from the Raja of Venkatagiri in Dugurajupatam, where they built Fort Armugam. When they extended their trade they applied in darkhast to the Raja of Kalahasti for the grant of land in the fishing village of Chennakuppam named after the then Raja of Kalahasti, Chennappa Naidu, which is now the city of Madras. And it is to the courtesy of that zamindar whom the Hon. Revenue Minister calls no more than a tax-gatherer (laughter from Opposition Benches) that we owe the British administration and the circumstances under which we are all assembled here to-day. This was 150 years previous to the Permanent Settlement, long before those that contemplated the Permanent Settlement were born. With these words, Sir, I resume my seat.”

Several hon. Members rose.

MR. SPEAKER:—“I think hon. Movers should speak first.”

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—“I wish to second the last speaker, and so I request I may be allowed to speak first now.”

MR. SPEAKER:—“Movers will speak first, and seconders will speak last. (Laughter.)

“Mr. Satharishi Reddiyar will try to finish his speech within half an hour.”

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* SRI K. SAPTHARISHI REDDIYAR:—"Mr. Speaker, Sir, it is most regrettable that the Hon. the Revenue Minister should have expressed himself so deprecatingly about the landholder class. His words are not likely to assuage the strained relations between the landholder and the ryots which this report itself has created. Apart from the legal and proper interpretation of the Regulations and the Acts concerning landholders and tenants, have the landholders exercised any rights which the legislature, constituted from time to time, did not authorize them to do or to which the ryots did not agree explicitly or implicitly? During the course of all these 137 years the Permanent Settlement has been in force, have the tenants been so ignorant of the rights that they did not or could not assert themselves? Are not the series of decisions in this period to which the Committee themselves and the Hon. Minister have referred evidence of the fact that the tenants were alive to their rights and fought for them from time to time? Apart also from question of rates of rent and right of occupancy were there any disputes as to other fundamental rights during this period? Lastly, during this period where legislation was passed or was brought forward bearing on the relations of landlord and tenant was there any attempt either on the part of the executive authorities or judicial courts to go back on the implications of the Permanent Settlement? The Hon. the Revenue Minister has repeatedly admitted that the authors of the Permanent Settlement and the successive executive authorities—British and Indian—were very jealous in safeguarding the interests of the ryots. Did any one in that distinguished line of administrators go back on the acknowledged rights of the landlord in the manner and to the extent now recommended? On the other hand, do not the discussions and observations which the Hon. the Revenue Minister has himself quoted show that both the executive authorities and the Legislatures took care to safeguard the interests of the ryots before they recognized any rights on the part of the landholder? The authors of the Permanent Settlement and their immediate and later successors, did certainly know their minds much better than we imagine. The landholders of Madras did not ask for a Permanent Settlement nor the ryots. It was a creation of the British Government. If as the Minister says, he has gone through all the literature on the subject from the beginning, he would doubtless have seen that the Madras Government was not at all in favour of the introduction of the Permanent Settlement in this Province where they said the ryotwari settlement was well understood and well-established and was also for political and economic reasons the best suited. I mention this for the purpose of showing that the Madras authorities, though they have been consistent opponents of the system, did not go to the length of ignoring the real import and implications of the Permanent Settlement.

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"The Hon. the Revenue Minister started by saying that this report was not revolutionary nor confiscatory, nor expropriatory. Hon. Members would have noticed that towards the conclusion of his speech when he referred to forests, hills, etc., his remarks left no doubt in their mind that the proposals were confiscatory. He said that the forests, hills and tanks did not belong to the proprietor.

"Regulation XXV of 1802 says that the British Government resolved to grant to zamindars and other landholders, their heirs and successors a permanent property in their land for all time to come and to fix for ever a moderate assessment. In consequence of such assessment, the proprietary right to the soil was vested in the landholder—see Section II. With these solemn assurances, a sanad was granted. It specified the names of the villages granted. There was absolutely no reservation in the matter of hills, forests, tanks, etc. Even Regulation IV of 1822 about the rights of all the parties concerned states that the rights of any class of the subjects were properly determinable by judicial investigation only in the established courts of justice. Was any such right as was mentioned by the member contested in a court of law and established? I shall refer in its proper place to the question of forests, hills, etc., but have mentioned it at the outset just to show that when the Minister said that certain descriptions of land solemnly included in the grant to the proprietor belong to the village community and the Government would manage them, he proposes a thing which is entirely opposed to the spirit and character of the Permanent Settlement Regulation and the sanads granted.

"Again, Sir, in his speech the Hon. Minister for Revenue, stated that the Committee was not asking the House to ignore the rights that have been vested in the landlords between 1802 and now, or divest them of those rights; nor was it making any recommendation that rights that had been forgotten or that had been referred to by anybody else, should be restored now. Well, Sir, have not the Government and the Legislature formally or legally invested the landholder with a right to enhance the rent for some reasons, to grant waste lands on his own terms, and have not the Government and judicial courts recognized his rights in porambokes including forests? It is unnecessary to question whether it was proper or improper, politic or impolitic to give such rights. We are not concerned with it at present. But since the grant of the permanent sanad, the landholders have as a matter of fact, exercised such rights and Government and also the ryots have acquiesced in them. Even if we grant that any of them are not higher than prescriptive rights, it is unfair to take them away after the lapse of a century and more, and the Committee clearly proposes to divest them of such rights. Similarly the Committee recommend the grant of rights, e.g., in

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forests, hills, etc., which rights in the words of the Hon. Member should be regarded as having been forgotten. I ask, Sir, is this fair or reasonable? This is not to suggest that the Government should not improve the economic condition of the ryots by giving them such rights as are absolutely necessary whenever they are denied without causing any injury to the landholder.

6 p.m. "The Hon. Minister also stated, Sir, that while the rent roll was over two crores of rupees, the peshkash was only about 44 lakhs. By this comparison he evidently wanted to impress on the hon. Members that landholders were profiting enormously after the Permanent Settlement and also to suggest that this profit was the result of illegal enhancements of rents and other exactions. This picture is entirely misleading. In fairness to the landholders the Hon. Minister should have stated how much out of the two crores is actually realized by them—for it is well-known that with the absence of any control over village officers and with the increased cost of collection owing to the fees payable in respect of attachment and sale of properties, the landholders are, as a matter of fact, realizing far less than the actual demand. The Hon. Minister ought to have also stated how much out of the two crores represented increase due to extension of cultivation and the area brought to account by survey and measurement and other legal enhancements provided under the Act, and how much to illegal exactions. Why he omitted to mention also that over 25 lakhs are paid in addition to the peshkash as cesses which they had not to pay at the time of the Permanent Settlement and have to pay now is not clear. This is a very substantial addition to the peshkash of which part only is theoretically recoverable from the tenants but practically much less is recovered. The hon. Members should not be led to form an incorrect picture of the whole position.

"It is suggested that the landholders were happy in that they had to pay only the stipulated peshkash all these years without the addition of a pie whereas the ryots had to shell out their rent to the last pie. The hon. Members will see from the price chart (Volume III) in how many years the prices went below the 1802 prices. In all those years the landholder had to shell out his peshkash without the diminution of a pie from it. The rents, on the other hand, the bulk of which was in kind should have reduced the income of the landholder in those years. Similarly, in years of distress, deficit rainfall and famine, the share of the produce the landholder got was undoubtedly little though he had to pay the peshkash in full. Let it not be forgotten also that so long as rent continued to be only in the shape of a share of the produce, the landlord is deprived of it in the case of lands left waste deliberately or owing to the ryot's neglect. It is unfair and misleading therefore to compare the rent roll with the peshkash proper as the Hon. Minister did.

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"The Hon. Minister stated that no suit had to be filed against the landholder for recovery of peshkash. He perhaps regrets the absence of such suits and wishes to prepare for such a contingency by putting forward these recommendations. Fortunately or unfortunately, Sir, the authors of the Permanent Settlement did not provide for suits for recovery of peshkash but provided such remedy for recovery of rents. It was the Legislature that provided remedy for the landholder and surely, it is ridiculous to turn round against him because he sought the remedy which the Government compelled him to seek. After all, Sir, what is the total number of tenants and against how many were suits launched? The Hon. Minister mentioned, Sir, that there were millions of ryots thrown into the hands of the landholders? How many were persecuted, I ask, Sir, in a court of law?

"The Hon. Revenue Minister is aware of the fact that in one of the estates, not even a single suit was filed against the ryots for over two decades for the recovery of rents. (Page 195, Part III.)

"The Hon. the Revenue Minister devoted a great portion of his speech in trying to make out that the rents payable by the tenants were also permanently fixed at the time of the Permanent Settlement. That this cannot stand the test of law or reason can be easily shown. The Hon. Minister stated that the rents payable by the tenants were fixed beforehand permanently and that it was only after it was reported to the authorities that such fixation has been made that the Permanent Settlement was effected. There is no authority anywhere for this statement so far as the Madras Presidency is concerned. Section 14 of the Permanent Settlement Regulation, and section 3 of the Patta Regulation XXV of 1802 was undoubtedly an agreement between the landholder and the Government and the sections about granting of pattas, etc., have been put in, in order to enable the landholder to recover his dues through courts of law.

"The instructions to Collectors printed as Appendix VII-B, page 70 of the Appendices volume, makes this clear. The first 33 rules define the manner of fixing the total peshkash payable by the landholder. Then the rules go on to state the position of the ryots who have only the occupancy right in the land. The direction as to the grant of pattas specifying the amount of the rent payable was to enable the landholder to recover on the authority of the agreement, the specified rent through the court. I request the hon. Members to note the wording both in the rules and regulations. Instead of leaving the rent arbitrary and uncertain, both the parties concerned were directed to enter into engagements—not for a fixed and permanent sum but for a speci-

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—see rule 35, page 76, Appendices volume. The authors of the Permanent Settlement, if according to the Hon. Minister they intended also to fix the rent payable permanently once for all, could have stated that pattas should be issued on the basis of the rates and rents which prevailed in 1801. They did not issue any such direction; on the other hand, they said that the rent payable according to law or custom should be specified in the patta. A perusal of rule 39 makes the intention clear. It was hoped that in due time after the introduction of the Permanent Settlement the landholders and the ryots would find it to their mutual advantage to enter into agreements for a specific sum for a certain quantity of land leaving it to the option of the cultivator to cultivate whatever species of crops he liked. It was also expressed that it would be desirable that zamindars should revise the taxes payable by the tenants with their consent and consolidate the whole into one specific sum. Do these words mean that the rates of rent prevailing in 1801 should be absolutely adopted in the patta?

“The Hon. Minister supported his arguments as to fixation of rent by quoting section 9 of the Patta Regulation. The section disproves the theory that the rents were also fixed at the time of the Permanent Settlement. If as the Hon. Minister tries to make out, the rent prevailing in 1802 has to be absolutely adopted in the pattas, where is the occasion for dispute and why should there be a direction that in case of disputes only, the courts should be guided by the rates prevailing in 1801? The words ‘established rates’ according to the section mean only the rates proved to have been paid on similar lands. If it meant the same thing as the rate which prevailed in 1801 the expression was redundant.

“It is meaningless to interpret section 9 which prescribed the procedure to be followed in case of dispute as laying down a right and also as fixing the rent once for all. Sections 4 and 6 of the Patta Regulation regulate the manner in which patta should be drawn up in respect of the several modes of payments of rent. Not a word is mentioned that the rates of 1801 should be absolutely followed. On the other hand, sections 12 and 15 clearly contemplate revision of the terms of engagement.

“Take again the observation of the Board in its Proceedings of 1820, viz., 18 years after the introduction of the Permanent Settlement, and in this place it may be mentioned that the Board was very anxious to protect the ryots against the zamindars. See paragraph 7, page 118 of the appendices volume. The Board has stated that ‘custom or special agreement should regulate the demand of the zamindar against the ryot.’

“Take again, Sir Thomas Munro’s minute of 1823, twenty-one years after the Permanent Settlement. Paragraph 10 on page 129, is clearly illustrative of a case of enhancement of cash rent albeit the result of improvement. Does this show that the rent had been fixed once for all in 1802?

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“A perusal of the Revenue Board’s Proceedings printed as Abstract XIII which is out and out in favour of the ryot, shows that the instructions as to the issue of patta were considered necessary because otherwise it was not possible to detect exactions and because otherwise collections would be arbitrary and indefinite. Throughout the proceedings it would be seen that no mention is made that the rates of 1801 were absolutely binding and would hold good for ever. Paragraph 71 clearly lays down that the demand for rent would be justified in accordance with the original terms of the ryots’ tenure or by the conditions of any subsequent mutual agreement. The latter rules out the theory as to fixity of rents.

“Again let us look at the provisions of the Tenancy Bill of 1898. Mr. Crole who introduced this and was responsible for the Bill is said to have understood the implications of the Permanent Settlement. He has not categorically stated that the rates of rent which prevailed in 1801 were fixed and unalterable. On the other hand, the provisions of the Bill clearly show that the rents which were being paid at the time or had been agreed upon between the parties were binding and were fair and equitable rents. It was not the case of Mr. Crole that these provisions were ultra vires.

“It should be mentioned also—and this is an important point—that though the Regulations were passed, as observed by the Hon. Minister, on the same day, the authors made a distinction between the revenue payable by the landholder and the rent payable by the ryot. They always described the former as permanent, the latter they ordered should be specific and definite, definite as to the share of the produce and the like where it was payable in kind and specific as to the nature of the dues and the amounts in cash rents. I wish the hon. Members to note this distinction carefully. Please see the wording of the sections VI and VIII of the Patta Regulation, page 104 of the Appendices volume. Pattas had to be issued for a specific sum of money or quantity of grain after the permanent assessment had been fixed with the landholder.

“There is no analogy between pattas and sanads. The latter were issued for a fixed amount in cash payable in all years good and bad. There was no increase or decrease. Pattas on the other hand could stipulate rents only according to law or custom. It was in some case for cash rents and in others which formed the majority, for payment in kind of a specified share of the produce or its value which would naturally vary with such crops. The rents were liable to variation by mutual agreement. It is open to the tenants to surrender the whole or part of their holdings. There would be no meaning therefore in granting something like a permanent sanad to the ryot. Paragraph 71 of that masterly document, as the Hon. Minister said, viz., the

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famous proceedings of the Board of Revenue at page 183 of the Appendices volume definitely contemplates modification of the original agreement. See also paragraph 70. The Hon. Minister would have done well to have read paragraphs 70 and 71 also instead of stopping with paragraph 68.

"In the case of payments of rent in kind, what can be permanent, Sir, except the proportion of the produce to be given? The grain may vary and its value may vary. So far as the fixation in cash for the purpose of permanent assessment with the landholder was concerned, they could very well take the value according to the then prices based on the average receipts. But so long as the custom of payment in kind continued—and that this was the case, is clear from wordings of the Regulations and Rules for the issue of pattas—the variety of the grain and its value would certainly vary according to the nature of the crop cultivated. It was acknowledged even at the time of the Permanent Settlement that increase in rent might arise, among other things, from a profit in dealings in grain where the rent may be rendered in kind and owing to a change from inferior to a superior kind of culture arising out of a mutual understanding of their interests between the cultivator and the proprietor. The conditions of the sale of haveli lands have been quoted in support of the theory that the rents according to the dowl of fasli 1210 were permanent and should not be exceeded. I request the careful attention of the hon. Members to clauses 18 and 20 on page 56 of Volume I. While clause 18 definitely prohibits the landholder from claiming a higher rate of waram or division of produce, there is no such prohibition in the case of cash rents.

"While on this subject I may mention that the Committee's interpretation of the word 'Jumma' that it does not refer to peshkash is wrong. Innumerable references can be given to show that it does refer to peshkash. Some examples may be given. (Rule 19, page 43 of the Report, conditions 9 and 15 on pages 292 and 293 of the Appendices Volume, page 351 of the Appendices, paragraphs 40-41 and 42 on page 77 of the Appendices.)

"It is not my object, Sir, to suggest that all the enhancements made in the rent are economically justifiable. Where they are economically injurious to the ryot the State has power as all authorities have stated to interfere and settle a fair rent. But the proposition that the rates of rent were fixed once for all in 1802 is untenable. The reduction of rates, be it remembered, will be unfair to the purchasers of estates and will unduly benefit the sub-letting ryot. Fixity of tenure is always assured as in ryotwari areas so long as the ryot pays the stipulated rent but there can be no fixity of rent in the sense of permanency.

"The Zamindar of Mirzapuram has, in his minute of dissent, not only placed the view-point of the zamindars before the public

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but has put in a strong and most effective plea for justice and fair play to all parties concerned which should actuate any Government or any legislature called upon to adjust the conflicting rights of large and important classes of the community. Other speakers, particularly, the Zamindar of Mirzapuram, have already dealt with the unsatisfactory constitution of the Committee and the irregularity of the procedure that has been followed and I do not propose to cover the same ground over again. The majority report deals elaborately with the question of the proprietorship of the soil in permanently settled estates and they declare that the ryots are the proprietors of the soil not only in their own holdings but that they are collectively proprietors of the hills, forests, and the waste lands in the estates. So far as ryoti lands themselves are concerned, in view of the fact that the ryot cannot be turned out of his holding so long as he continues to pay the rent which is lawfully due in respect of it, and the possibility of the extraction of minerals on a large scale being very remote, it may seem to be purely academic to decide whether the ryot is the proprietor of his holding or whether he holds a right of occupancy which is a subordinate interest. So long as the incidents of the right which the ryots claim in their holdings are sufficiently well defined for all practical purposes, it may seem to be an unnecessary discussion of theory as to whether these rights are to be described in one way or the other. The majority report however makes this the major premises in their arguments in order to lead up to their other conclusion that the ryots are collectively the proprietors of the hills, forests and waste lands. A good deal has been said as regards the proprietorship of the soil in ryoti holdings. The existing decisions and the writings of the eminent jurists and administrators wholly support the zamindar's contention. The authors of the majority report say that these decisions and these writings are wrong. It is for them to make out that they are wrong and the burden is very heavily upon them for making out that these decisions and writings which have stood the test of time for more than a century are wrong. There is no good in their asserting so. The matter should be placed before a Committee of legal experts who alone can decide whether what has been recognized as undoubted law all these years is incorrect as the authors of the Majority Report contend, or whether those gentlemen are themselves suffering under a delusion. The question of proprietorship of hills, forests and waste lands is of the greatest importance in the solution of the problem of landholder and ryot. Very large amounts have been spent by several zamindars on the conservation, preservation and development of their forests and in the rearing of valuable plantations. What is to happen to all these investments? Are all these forests and plantations to be made over to the ryots? Are these zamindars to lose the huge amounts that they had spent

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upon those forests and plantations? The necessary consequence of the theory stated by the majority of the members of the Committee that hills, forests and waste lands are the property of the ryots would be that the zamindars would be deprived of the very valuable property in which huge amounts have been sunk by them without compensation, and a present would be made so to say of all these properties to the ryots. This is the most naked form of confiscatory legislation. I am sure there would be sufficient good sense and fair play in the Government and in the legislature not to accept this wholesale transference of property from one class to another.

“ In connexion with the question of proprietorship of the land, I invite the careful attention of the hon. Members to Appendix VII-B printed in the Appendices volume. Please see paragraphs 40 to 45 on page 77. These, Sir, are the instructions issued to Collectors regarding the Permanent Settlement of the southern districts. The paragraphs just referred to by me will show that when a proprietor declined to engage for the settlement at the Jumma proposed, the Collector had to report the objections with his opinion on them for revision of the settlement, if necessary. If the proprietor finally declined the Jumma, his estate was managed by the Government and malikhana allowance of 10 per cent on the net amount for which the lands might be rented, was to be given to him *in consideration of his proprietary right*. I want hon. Members to mark these words carefully. Was not the proprietary right of the landholder recognized even when he declined to engage for the Jumma fixed? Then again, Sir, the estates of such proprietors who declined the Jumma were managed and kept intact. They were exempt from sale and transfer on account of any arrear or deficiency in the collection (paragraph 45). The proprietor had the option of taking the estate on the proposed Jumma even later (paragraph 42). Do not these provisions conclusively show that the landholder had proprietary right in the land? If he was a mere rent collector, why should he be paid an allowance even when he declined the Jumma and why should the estate be kept intact, even when there was an arrear? I request the hon. Members to form a dispassionate and impartial opinion on the question.

“ I invite attention in this connexion, Sir, to the view of some of the dissenting minutes even of those who wanted to wipe out the zamindari system—particularly to that of Mr. B. Narayanaswami Nayudu. It is absurd, Sir, to treat the rights, if any, in forests on a par with those in occupied and cultivated lands. In the course of his speech the Hon. the Revenue Minister brought the analogy of reservation of forests in Government areas. I am sure members who have actual experience of the procedure of reservation will deal with this. No compensation was given unless

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occupied land was taken up and if such rights, as right of way, were claimed and were proved to be necessary, they were recognized. But beyond that no compensation of any sort was, so far as I have heard, given on any account. It is talking in the air to speak of village communities. These bodies did not exist at the time of the Permanent Settlement. They had disappeared even at the time of the Muhammadan rule. Further, Sir, the zamindars did not forcibly take hold of occupied lands and constitute them into reserved forest nor could they have done so without evoking protest and suits from the tenants. They conserved the forest growth where it existed for the benefit of the ryots and the estate spent money and improved it. Was there any complaint that any rights which existed at the time of reservation were extinguished either then or subsequently?

“ The theory about ownership of forests is thus repugnant to the letter and the spirit of the Permanent Settlement and the sanad and injurious to both the landholder and the ryot.

“ In the matter of collection of rents and the procedure to be followed by the zamindars in realizing their rents the zamindars expected a good deal from the Committee. The questionnaire was very alluring. It suggested as if the Committee was very particular that the procedure for collection should be made as cheap and effective as possible. The report of the majority of the members of the Committee does state in more than one place that the zamindar is the assignee of the rights of the Government and that he should as far as possible be placed in the same position as the Government, particularly in regard to the process which he may have to pursue for the realization of his rents. When we turn, however, to the draft Bill which has been appended to the report, we meet with total disappointment. The authors of the majority report purport to follow the Madras Tenancy Bill of 1898 but in a most essential particular, they depart from the Madras Tenancy Bill. According to that Bill the zamindar had the power of distraint. In the draft Bill appended to the report, the power of distraint is taken away from the zamindar and his officials and conferred on the Collector or persons authorized by him. It is needless to point out that this is a negation of the right of the zamindar to realize his rent by distraint. It is well known that the zamindars get little or no assistance from the village headman and the village karnam in the collection of their rents and in the maintenance of their revenue records. If the duties of headman and karnam in proprietary estates are just like the duties of headman and karnam in Government ryotwari villages, there is no reason why the headman and karnam in proprietary estates should not perform the identical functions which they are performing in ryotwari areas. While the theory is that they are to perform similar functions, it is notorious that they do not perform those

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functions and that the zamindars are put to considerable inconvenience by reason of the lack of co-operation on the part of the village headman and karnam. It was pointed out in memorandum after memorandum submitted by the zamindars to the Committee that without adequate control of the zamindars over the village officers, it would be impossible to improve the revenue administration or to speed up the collection of rents. According to the theory of the majority of the members of the Committee that the zamindars are assignees of the rights of the Government in their respective estates, it would seem logical to follow that the zamindars should have in forests, hills and waste lands just the same rights which the Government has in its ryotwari villages, and that the zamindars should have over the village officers in their estates the same powers of control which the Government has over the village officers in its villages. While that is the necessary and, I may even say, the irresistible conclusion of the theory propounded by the authors of the majority report, it is rather curious that the authors of the majority report do not recommend any change whatever in the matter of the control of zamindars over village officers and that as regards hills, forests, and waste lands, instead of declaring that the zamindars have in them the same rights which the Government has in similar species of property in ryotwari villages, they declare that they are and that they should hereafter be the property of the ryots in zamindari villages. Wherever the analogy between the Government and the zamindars is prejudicial to the interests of the zamindars, the analogy is closely followed. But wherever the analogy is favourable to the zamindars, the authors of the majority report ignore it altogether. I would therefore impress upon the Government, if I may, that if really they are mindful of the interests of the zamindars as they profess they are, they would be helping the zamindars as also the ryots by making the collection work cheap and expeditious, which they can do only if they confer upon the zamindars sufficient control over the village officers by a suitable amendment of the Madras Proprietary Village Services Act. In the matter of hills, forests and waste lands, the proposals of the majority are palpably unjust. There can be no objection to the zamindari ryots enjoying in respect of forests within or near their villages, the rights which are enjoyed by ryotwari pattadars in Government villages similarly situated. The zamindars are prepared to listen to and accept any proposals in that direction, but the zamindars can never accept the theory that hills, forests and waste lands which were clearly declared to be their property at the time of the Permanent Settlement, and which they have been enjoying all these years, and on which they have invested huge sums of money should be snatched away from their hands because this Committee has, ignoring the decisions of the highest judicial authorities, chosen to state that the zamindari ryots are the proprietors of these several kinds of property.

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"As regards the irrigation works, the zamindars certainly recognize their obligation to keep the existing works of irrigation in proper repair. A declaration is, however, sought to be added in the Bill as drafted by the members who have signed the majority report that the zamindars are under an obligation to construct, at their own cost, new works of irrigation without asking for or obtaining any return in respect of such works. This is an impossible situation. No case has been decided and no Judge or administrator has ever stated that a zamindar should go on spending money on constructing new works of irrigation without any expectation of profit. That the zamindars should invest their money in constructing new irrigation works whereby their ryots would be benefited and from which they would not be deriving a suitable return in the shape of an extra charge for water-supply, is something which is un-understandable. The additional charge that is to be levied from the ryot in consequence of the execution of such new works of irrigation would not be a mere matter of contract between the landholder and the ryot. The amount which can be so charged and whether it is a fair and equitable charge or not, are matters which the Collector has to decide in the first instance before the zamindar can levy the same from the ryot. When such is the state of the law under the present Madras Estates Land Act and when the provisions of the present Madras Estates Land Act give the necessary protection to the legitimate interests of the ryots, I am unable to follow how or why zamindars should be made to part with their money in constructing new works of irrigation when they are clearly told that they can have no return whatever for any such expenditure. The proposed declaration in the draft Bill is not only opposed to law but is not calculated to advance the interests either of the zamindars or of the ryots as there would be no inducement whatever for the zamindars to spend their money on the improvement of the existing works of irrigation or in the construction of new works of irrigation to the mutual advantage of themselves and their ryots.

"Sir, I may just make a passing mention that so far as communal porambores are concerned, no landholder denies the position that such porambores are for the use and benefit of the community. The correct construction of the Permanent Settlement and the sanad is that when such lands cease to be required for the purpose for which they were set apart, they revert to the proprietor. In fact there were distinct instructions to the Collector not to assert the prerogative of the Government in such lands. It may not be out of place to mention, here, that far from appropriating communal porambores, proprietors have in several instances set apart land, either their own or waste, for communal purposes.

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"The Hon. the Revenue Minister made mention of the Mining Manual. He will note that it distinctly says that the State has no claim to minerals in permanently-settled estates. This position was stated in all the Revenue Orders from the earliest times and incorporated in its Standing Orders from the earliest edition by the Board of Revenue who are credited with a correct appreciation of the position as regards ownership of the soil and the rights of the proprietor.

"Sir, I have touched on the several recommendations of the Committee and commented on them. It cannot be denied that the Committee meant well by the ryots and were sincerely anxious to improve their condition but they have approached the subject, Sir, with pre-conceived notions and have come to conclusions which their own reasons do not support and which are repugnant to the repeated pronouncements of the authorities, executive as well as judicial. As I have stated at the beginning, the landholders have not exercised rights or claimed privileges which were not conferred on them by Acts of the Legislature or approved and authorized by the authorities. There is no question also about the age and period of exercise of such rights and privileges. It is nothing short of confiscatory to deprive them of these. It is understandable that there may be a case calling for the interference of Government in certain areas. After all, Sir, the real grievances can be in the matter of rents and other minor rights to grazing, etc. Do the Government think that they are unable to give redress where they find that the rents are oppressive and economically injurious to the ryot, or to recognize by statute such rights as to grazing as they think should be given as in the case of ryotwari holders? Where the rates have been in force for 40 or 50 years, is it unreasonable to hold that they are fair and equitable and to approve them instead of taking the trouble of setting up a commission to wade through insufficient, incomplete, and possibly irreconcilable data and trying to restore the state of things which the Committee imagines existed about 150 years ago? The task of settling the rents will not be so easy as the Committee imagine. While ways and means are open to the Government to weigh the scales evenly, to grant rights to and to protect the tenants without causing needless hardship and injury to the landholder and at the same time without repugnance to the regulations of the former Governments and the Acts passed by the succeeding Governments, it is matter for extreme regret that the Committee should have chosen to take action on the lines proposed by them. I may also call attention, Sir, to the Regulations XXV of 1802 and IV of 1822 which gave the landholders the protection of the courts of judicature for adjudication of disputes in the matter of the assessments and rents. Action, Sir, much to our hardship, is proposed to be taken on

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the pronouncements of some officers ignoring all Acts of Legislature and judicial decisions. By this action we are even deprived of the protection which Regulation IV of 1822 provided. We want justice and fair play. If the Government straightforwardly comes out with a proposition that the zamindari tenure was wrong in inception and has been economically injurious to the country they may honestly say so and take steps to scrap it. It will then be a question of finding the cost for the obsequies. But to profess to adhere to the Permanent Settlement and at the same time emasculate it, thus running one class of people, is unjust. I fervently hope that wise statesmanship will still prevail and the needed reform will be effected with the minimum hardship to all concerned. I also suggest, Sir, even at this stage, that the Government will actually calculate the rents in the manner suggested by them in typical estates in different parts of the Province and see how the results work out in practice.

"Sir, the report is one-sided and full of fallacious and misleading arguments. Sir, the recommendations contained in the report are expropriatory as rights given, accrued and enjoyed without dispute for a century and more are taken away. They are confiscatory as the ownership of the landholder over forests, tanks, fishery, minerals, hills, etc., is taken away. They are illegal as they go back on the settled legislation and solemn contracts, sanctioned by the Government and approved and authorized by executive and judicial officers alike. They are revolutionary not reformatory. They will tend to create friction and misunderstanding, perpetual loss and discontent. I fervently appeal to the hon. Members to set aside prejudices, political or social, and to deal fairly by both the parties affected by these recommendations. I also appeal to them to bring their ripe wisdom and practical commonsense to bear on the problem the acuteness of which, if I have followed the speeches correctly, is felt only in particular areas and deal justice to all concerned. The Hon. the Revenue Minister asked for justice for one class. I ask for justice to all, so that it may not be one-sided."

Sri Diwan Bahadur A. Appadurai Pillai rose.

MR. SPEAKER:—"If Mr. Appadurai Pillai can finish his speech in half an hour, the speeches of all other Members can be finished to-day, so that the whole of to-morrow can be taken up by the Leader of the Opposition, the Muslim Member, and then the Government Members."

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I am glad, Sir, that I have been able to catch your eye. In the first place, I have to express my hearty congratulations to the Hon. the Revenue Minister on his scholarly exposition of the law and procedure relating to landholders and ryots. He kept the House spell-bound for over seven hours, exhibiting mastery, rarely

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rivalled, in a subject to which until recently he was practically unaccustomed. The able manner in which he marshalled his facts, and the fervent appeal he has made to take a dispassionate view of things, have evoked commendation from all sides of the House. Our thanks are due to him. I shall be wanting in my duty, Sir, if I do not, at the same time, express my commendation of the work of his charming Parliamentary Secretary who has seconded his efforts so ably and spared no pains whatsoever in collating a great deal of matter relating to tenancy law and legislation and placing them within easy access of both this House and the outside public. It is a great monument to his name and it would last a lifetime, whether he is in this House as Parliamentary Secretary or later on as a Minister.

"It will be remembered, Sir, that the Hon. Minister dealt exhaustively with the two main points in connexion with the tenancy law. One is the ownership of the soil and the other is fixity of tenure with unalterable rent. Sir, with reference to the ownership of the soil, the previous speakers have dealt with the subject in detail and, my time being short, I do not wish to take the House through all the documents and the documentary evidence that has been collected on this subject. Sir, it will be quite sufficient for my purpose to refer you to the inimitable proceedings of the Board of Revenue (No. 7743) to which the Hon. Minister often referred in his speech. The remarks in paragraph 20 of page 165 of the Appendices Volume are as follows:—

'Grant shows how, as the central authority of the Mahomedan Government grew weak, the position of the provincial lieutenants or amildars was subverted, and how the Hindu official zamindars attained an ascendancy over them, "lords became vassals, renters were called proprietors," and the revenue farmer's remittances of collections made on behalf of Government were dignified with the term of TRIBUTE.'

'He insists strongly on the principle that "the proprietary right of the soil is CONSTITUTIONAL" (meaning an element in the governmental system of the country), "and is solely vested in the sovereign ruler," and that the Government is "the sole legal known territorial proprietor."

"With reference to this the Board observed:—

'Grant's information was so full and from so unquestionable an authority, his experience so wide and varied, and his freedom from bias in the question now at issue between zamindar and ryot under a system which did not exist when he wrote is so indubitable, that the Board deem it unnecessary to adduce further evidence on this point.'

"I would stop with this reference, and repeat that historically the position taken up by the Hon. Minister is untenable.

"The legal position taken up by the Hon. Minister is also untenable. The Permanent Settlement Regulation of 1802 is our starting point. If the Permanent Settlement Regulation is not to be scrapped and is to be honoured inviolate as is done now by the majority report, it does not stand to reason how proprietorship

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to the soil could be divested from the zamindar. After the passing of that Regulation and the connected Regulations, the landlord began to be termed in all the subsequent legal enactments as 'proprietor' meaning thereby that he had a proprietary right in the soil. Government undertook to maintain that right without any violation and that is clear from the Instructions issued to Collectors to gather materials for the Permanent Settlement. I refer to paragraph 6 of the Instructions, and it reads as follows:—

'When the possession of land no longer subjects the proprietor to the disgrace he is at present liable to, and when the tenure is known to be secured as long as the fixed public dues are regularly discharged, and that whilst they conform to the laws, to be administered by the courts, there is no power in the country that can infringe their rights, or property or oppress them with impunity, there can be little doubt but land will be everywhere coveted, and that a considerable portion of the wealth possessed by the inhabitants which now lies dead, or is employed in other channels, will be applied to the improvement of it.'

"Sir, I lay special emphasis on the words 'there is no power in the country that can infringe their rights or property or oppress them with impunity.' May I be allowed to remark that the majority report seeks to transgress the border that has been so forcibly laid down in the Instructions to the Collectors? This piece of instruction was in the year 1799. In the year 1793, Sir John Shore who subsequently succeeded Lord Cornwallis as Viceroy and Governor-General of India conceded this position in his inimitable minute, dated 18th June 1879: 'I consider the zamindars as the proprietors of the soil, to the property to which they succeed by right of inheritance.' In the face of these pronouncements, it is needless for me to labour this point further than to say that the right of ownership to the soil that vested in the Government previously was transferred in these unmistakable terms to the landholders in perpetuity.

"Sir, in forming the Permanent Settlement, the powers that be at the time exhibited a great deal of anxiety in putting the proprietors in possession of the estates that were granted or confirmed in their favour. History shows us that in several cases that came up before the court from time to time this proprietorship of the soil has been consistently conceded. It has been very ably put forward in the judgment of Sir Sankaran Nayar—I.L.R., 37 Madras 322. He showed that these proprietors consisted of three classes. The first class consisted of persons who were ruling princes or chieftains. The second class consisted of chief revenue officers or military commanders who on account of meritorious services rendered to the Government were included in this category of owners of estates. The third class consisted of purchasers of haveli lands and Crown lands which were made over to the proprietors on permanent tenure. Knowing that the landholders consisted of these three classes of proprietors, is it fair and reasonable for us to say that they are mere tax-gatherers? If they were mere tax-gatherers the Government of the day would not have shown

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that enormous solicitude in getting them to execute the kabuli-yats in exchange for the sanads which were granted to them. In the Instrument of Instructions there are clauses to the effect that in case the proprietors were not willing to execute kabuli-yats and take up the estates, some time should be allowed to them and that in the meanwhile they should be granted some pension called malikhana. In the case of persons who are disqualified on account of natural causes, such as minors, idiots and persons who are incapable of managing their own estates, the Government provided that such estates should be managed on their behalf and that 10 per cent of the net revenue derived from such estates should be made over to them in the shape of pension. And then they have taken care to provide that in case a proprietor declines to take up a sanad and give a kabuliyat in exchange he ought not to be shut out entirely and that a further chance should be given him, and that if he executed a kabuliyat the estate should be handed over to him. What does all this solicitude indicate? In common language this shows that the Government of the day thought that this class of proprietors should come into existence in order to take up the responsibility of managing certain portions of the territory on behalf of the Crown. Mr. Baden Powell has shown—I do not wish to read the portion as my time is limited—that about 380 estates were surrendered to the Government because the proprietors were not able or willing to manage them at the time. This shows not only the solicitude with which the Government introduced the proprietorship but also the difficulty experienced by some of the proprietors in shouldering the responsibility. Lord Cornwallis who is the author of the Permanent Settlement was anxious to execute the orders of the Court of Directors and see that somehow or other Permanent Settlement was introduced in order to establish a stable form of administration in the newly acquired tracts. It was only in 1799 that the new tracts were acquired one after the other. Guntur, Rajahmundry, Godavari and the southern districts of Coimbatore and Madura came one after another in rapid succession into the hands of the Government, and they were anxious to devise proper means of establishing a stable form of government. That was the reason why they hastened to introduce this proprietary arrangement. Baden-Powell remarks very pertinently about the haste with which this Settlement was effected and the rapidity with which these estates came back into the hands of the Government because the proprietors were unable to shoulder the responsibility that was laid on them. The country was very unsettled at the time. It is well known to many of us who have read history that it was only in 1792 that the famous treaty of Seringapatam was concluded. And that was not the last word in the Mysore Wars as wars were repeated soon after. Not only here, but in North India there was trouble also in the British forces in Calcutta. There was what was called

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the mutinous combination of officers just at that period. There was also trouble in England on account of the Napoleonic wars. On account of all these circumstances the Government of the day were not in a position to manage the estates themselves, and therefore they had to find an intermediary to shoulder the responsibility; and the proper intermediary was the zamindar who was already in possession of considerable portions of the country. Sir, as Sir Thomas Munro was the father of the ryotwari system, Lord Cornwallis was the father of the Permanent Settlement. These two people were poles apart in their views of land settlement. Sir Thomas Munro believed that Permanent Settlement was *not* suitable for this country, while Lord Cornwallis was insistent upon introducing Permanent Settlement as the only way for introducing a stable government and administration. Sir Thomas Munro even tried to disobey the orders in this respect. After some time the Northern Circars came under Permanent Settlement. These were under direct Mogul influence for some time. These districts therefore took very readily to Permanent Settlement but the southern districts fought shy of Permanent Settlement. That was why Permanent Settlement came to a stop all of a sudden here, after having been given effect to to a great extent in the northern districts and to a small extent in the southern districts. Having regard to this history, and the solicitude with which the Government themselves invited the proprietors to take hold of the estates on a permanent tenure, it does not seem reasonable to assume that these were mere tax-gatherers who came running in readily to take over the responsibility of collecting the money and to give away two-thirds to the ruling power and appropriate one-third to themselves. If at that time the zamindars had been told that out of every Rs. 100 they collected they should give away Rs. 65 or Rs. 70 and take only Rs. 30 and that that Rs. 30 was fixed for all time interminably, do you mean to say, Sir—you must face facts—that any zamindar worth his salt would have taken up that responsibility? Some of them were ruling chieftains issuing their own coins, having their own armies, and sometimes assigning lands on their own authority to the East India Company. Would these people with folded hands have said, 'We will be satisfied with 30 per cent of the collections for all time to come? That would be denying history altogether, Sir.

"Sir, in connexion with this question of the ownership of the soil we find that it is rather hard to reconcile the position that is made out in the majority report with the facts that obtain in actual practice. The landholders are expected to pay the land-cess. Very nearly 25 per cent of the income comes in the shape of land-cess. They have to pay As. 1-10½ in advance and collect a moiety from the tenants later on at their leisure. Holding them responsible for the payment of land-cess in the first instance, shows that they have greater stake in the estate than the ryots

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themselves. Then let us take mineral rights. Mineral rights in proprietary estates are not at all the concern of the Government. The Government have definitely excluded the zamindars from the scope of Board's Standing Order No. 25 which deals with mining and minerals. What about escheats, Sir? All the escheats revert to the zamindar. Where a man dies intestate the land goes to the zamindar and *ipso facto* becomes his property. In the matter of sale for arrears of rent, the land reverts to the zamindar. The zamindar has reversionary interests in all these cases. This shows that he possesses more than a mere right to collect rent. I do not think it is necessary for me to labour the point further. The statement seems to me, Sir, to be open to question—to say the least of it—that in spite of these facts the zamindars possess only the right to collect the revenue. I submit, Sir, that it was not the position to which the zamindars, having regard to previous history, submitted themselves.

“I shall take the next point, fixity of tenure. Fixity of tenure with unalterable assessment—that is the contention of the majority report. The Hon. the Revenue Minister has very ably dealt with this point. In doing so he has based his conclusions mostly on three documents. One document on which he has absolutely relied is the Patta Regulation. I have one remark to make with regard to this Patta Regulation XXX of 1802. Not only this Patta Regulation but a number of other Regulations were passed, as the Hon. Minister himself as repeatedly pointed out, on the same day, the 13th July 1802. You and I know, Sir, that the 13th is an unfortunate day and that is the misfortune that has led us 140 years afterwards to reopen this question of the Permanent Settlement Regulations. If they had been passed on the 12th or the 14th July, matters would perhaps have been different.”

MR. SPEAKER:—“Does the hon. Member really believe it?”

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—“These Regulations were passed on the 13th. The Patta Regulation was intended to prescribe the procedure to be followed in the matter of issuing pattas and taking muchilikas. Beyond that the Patta Regulation did not go, because a similar Regulation was framed with reference to the exchange of sanads and kabuliyats between the Government and the proprietors. The Patta Regulation was not intended to make any declaration or pronouncement with reference to the title of any party. That is my point, Sir.

m. “There is one clause in the Patta Regulation on which the Hon. the Revenue Minister laid special emphasis and that is clause 9. Clause 9 says:—

‘Where disputes may arise respecting rates of assessment in money or of division in kind, the rates shall be determined according to the rates prevailing in the cultivated lands in the year preceding the assessment

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of the permanent jummah on such lands; or, where those rates may not be ascertainable, according to the rates established for lands of the same description and quality, as those respecting which the dispute may arise.’

In this way the proprietors have been tied down to the rates prevailing in the year preceding the Permanent Settlement. The Hon. the Revenue Minister comes to the conclusion that the rent assessment is therefore fixed unalterably. Clause 15 of the Patta Regulation says that the assessment that should be entered should be mutually agreed upon. If the Hon. the Revenue Minister relies upon clause 9 and says that the rent has been fixed once for all, I wish to point out that there are numerous other clauses to show that it was not so fixed. I would refer the House to a very fine explanation given by the Board of Revenue in paragraph 49 of its proceedings already quoted, where it deals with this very same question of *rate* referred to in clause 9. What that clause refers to is, after all, *rate* and not the amount. The question of finding out the rate arises, only when there is a dispute. The Government of the day explained in this clause how the rent should be settled in the case of a dispute; they did not give any definite instructions that only the assessment fixed in the year preceding the Permanent Settlement should be adhered to in settling this rate. In explaining its position clearly, the Board has made a very good analysis of the provisions of Regulation XXX of 1802; it states here in a small paragraph which I would crave your indulgence to read:

‘In Campbell's Code of Regulations is printed as a Note to this Regulation a “Memorandum” by Mr. Webbe, who as Chief Secretary to the Government of this Presidency, had been appointed a Member of the Special Commission for the introduction of the Permanent Settlement. . . . And he argued . . . “that the first principle of the permanent system was to confirm and secure these rights,” as proved by “the discussions between Lord Cornwallis and Mr. Shore, the Bengal Regulations and the Proceedings of the Board at Madras;” and that “the proprietary right of the zamindar is no more than the right to collect from the cultivators that rent which custom has established as the right of the Government; and the benefit arising from this right is confined, first, to an extension of the *amount*, not of the *rate*, of the customary rent, by an increase of cultivation; secondly, to a profit in dealings in grain where the rent may be rendered in kind; thirdly, to a change from an inferior to a superior kind of culture, arising out of a mutual understanding of their interest, between the cultivator and the proprietor.”’

“What was intended to be fixed in clause 9 of the Patta Regulation was therefore the rate at which the rent in kind should be settled. I do not think it is up to us to go beyond that interpretation. The assessment prevailing in the year preceding the year of Permanent Settlement was referred to in this clause because in case of dispute arising at the time, namely, 1802, the assessment of the previous year alone would be available for reference. It did not mean that we should cling to this previous year's assessment for all time to come.

“Sir, if I may be permitted to digress a little, I would submit that in respect of patta used in ryotwari tracts it has been declared

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by the Board of Revenue in very clear language, that ryotwari pattas are mere notes of the amount of revenue payable on the lands held by the registered holder, and are not title-deeds. That is the dignity and characteristic of a patta. I do not see any particular necessity to place the pattas in zamindari tracts in a more dignified position by making them equivalent to sanads. A sanad is one granted to the zamindar as evidence of ownership and proprietorship of the soil. A patta conveys no such title and I do not think that it is justifiable on our part to raise the patta to such a dignified position.

“The Board of Revenue explains the position as regards rents clearly in paragraph 71 as follows in its Proceedings of 1864:—

‘The course which in the Board’s opinion ought to have followed in this case was, to ascertain by full inquiry in each case the terms of the ryot’s tenure at the Permanent Settlement, or if that were not ascertainable, then the terms on which similar adjacent land was held. Then, to enquire how, if at all, those terms had been subsequently modified, and how far the zamindar’s present demand was justified either by the original terms of the ryot’s tenure, or by the conditions of any subsequent mutual agreement, whether expressed or fairly inferable from long proved practice, and to have admitted or rejected the zamindar’s claim according as it was found to be within or beyond the terms either of the original tenure, or of the subsequent mutual agreement expressed or implied.’

My contention is that the Board contemplates in this paragraph mutual agreement with regard to the fixation of rents. This remark was made by the Board while commenting upon the famous Collett’s judgment, where Mr. Collett sought to limit the application of clause 9 to the first occasion of issuing a patta after the Permanent Settlement of an estate which interpretation the Board questioned. I have no time to go further into that question”

MR. SPEAKER:—“The hon. Member may deal with other points, instead of reading extracts. It is better to confine the speech to the points and finish them straightaway.”

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“May I know when we will adjourn to-day?”

MR. SPEAKER:—“As early as possible.”

* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—“The next document relied upon by the Hon. Minister is the Instrument of Instructions calling upon Collectors to prepare materials for effecting a Permanent Settlement. I would refer to paragraph 35 at page 76 of the Circular Instructions. There is no provision here for fixed assessment or rates. What is insisted upon is specific written agreement with reference to the rents paid by whatever rule or custom to the zamindar. It is also clearly expressed in paragraph 34 thus:—

‘Distinct from these claims are the rights and privileges of the cultivating ryots, who, though they have no positive property in the soil, have a right of occupancy so long as they cultivate to the extent of their usual means and give the Circar or proprietor, whether in money or kind the accustomed portion of the produce.’

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“The language used consistently by the Board of Revenue in all these instructions and circulars, goes to prove that only permanent occupancy right was intended to be conveyed and not fixity of rent. In other words, only fixity of tenure was what was intended in the shape of fixity of occupancy, and not fixity of rent.

“The Hon. the Revenue Minister next referred to the Rent Recovery Act VIII of 1865 as disturbing the right that was conferred on the ryot under Patta Regulation XXX of 1802. Sir, I have gone through the Revenue Recovery Bill—page 197 of the Appendices. The Hon. the Minister thought that the provision in clause X of the Revenue Recovery Bill was in direct violation of the direction contained in clause 9 of the Patta Regulation, because the reference to assessment that prevailed prior to the Permanent Settlement of 1802 found in the latter has been omitted from this clause. My contention is that this omission is perfectly justified. There is a paraphrase of that clause in the Revenue Recovery Bill and not an omission. Where disputes may arise respecting the rates of assessment, whether in money or in kind, such rates shall be determined according to those permanently assessed upon the lands in dispute. What is intended by clause 9 of the Patta Regulation is thus very clearly reproduced. Reference to the Permanent Settlement of 1802 has not been made here, but the meaning has been brought out clearly. When the Patta Regulation XXX of 1802 was passed, there was no time to look into the nicety of language. That was the reason why when the Board after some time found in the year 1820 that in actual working of these Regulations XXV and XXX of 1802 very many inequalities and difficulties came to light, they hastened to set right these inequalities by promulgating Act IV of 1822, saying that established rights were what was meant by the instructions issued earlier and that they should in no way be infringed. In dealing with these legislative enactments, my humble submission to the House is that a section in a particular Regulation of 1802 ought not to be taken out of its context and commented upon independently. This Regulation is only a piece of legislation in a series of legislation—Regulation XXV of 1802, XXVIII of 1802, XXIX of 1802 and XXX of 1802. All these Regulations should be construed with reference to the intentions of the Government running through the whole course of the legislation. It will then be clear, Sir, that what was intended in clause 9 of the Patta Regulation XXX of 1802 was not to fix the assessment once for all with reference to the ryot, but to allow established rates mutually agreed upon between the ryot and the proprietor.

“I am very thankful to you, Sir, for having given me so much time. There are some general remarks which I wish to make; but since there is not much time now, I shall reserve them for a

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future occasion. I shall now make one more remark in addition to what I have already made. After all, nothing would have prevented the Government from stating definitely either in the Permanent Settlement Regulations of 1802 or in any other later enactment, if it was really their intention, that rent was fixed once for all, and from declaring that it was unalterable. It was never the intention of the Government, and that is reflected in the legislation relating to ryotwari tracts. When Act VIII of 1865 was passed with reference to proprietary estates, Act II of 1864 was passed at about the same time with reference to collection of land revenue in ryotwari tracts. If we compare Act VIII of 1865 with Act II of 1864, we find that they were only processual laws and not measures conveying any rights whatsoever with regard to the parties concerned. That being so, it would have been very easy for the Government to have stated at the time that the rent leviable from the ryots should be fixed and unalterable, even as they had made land revenue due to the Government from the proprietors unalterable. The very fact that the Government did not choose to commit themselves to any such declaration shows that it was not their intention to do so. It was their intention on the other hand to leave the rate to mutual agreement and circumstances.

"If it is now considered necessary to fix the rate once for all, it is open to the Government to do so; instead of having recourse to a thorough scrapping of the whole tenancy law, they could introduce legislation to say that the rent is to be fixed, or that it is revisable in a period of three years or five years as the case may be, with reference to considerations of fertility of the soil, ruling prices and things like that. To import meaning into clauses, taking those clauses independently out of their context and without taking all the regulations or enactments collectively, seems to me to be a wrong procedure. It is like a piece of mosaic work: if glass pieces are separately thrown about, we can see nothing in them; but when the pieces are set in their position and we survey the work from a distance, we see a beautiful picture thrown on the window. That is the condition here. If we wish to know the intentions of the Government, all the enactments should be taken together and viewed as a whole. After all, Sir, if it is the case that the proprietors are taking away money from the ryots, if the ryots have therefore become impoverished, it becomes an economic question; and an economic question should be approached in a proper manner.

"The enquiry is all on one side; in fact, it will be seen from page 142 of Part I of the Report that there are several estates in which the under-tenure holders are making huge profits, holding as they do land from the main proprietors. That shows, if anything, that the rates are not very heavy and they leave a margin on

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which the ryots could subsist. But if, it is found that the ryot is rack-rented, that his economic position is very bad, that he has been reduced to a position of destitution and poverty, then the best thing is to provide for legislation for improving the Estates Land Act, cutting out altogether the provisions relating to the fixing of assessment and introducing provisions which would make assessments revisable at stated intervals. Instead of doing that, to introduce an altogether new piece of legislation, not repealing even the provisions of the Tenancy Law of 1898 which was introduced by Mr. Crole—a very sympathetic officer—such as the one included in the Report, is not fair.

"Just one word, Sir, with reference to Mr. Crole's Bill. Even in that Bill I find that 'rent' is defined in clause 15 thus:

'The rent for the time being payable by an occupancy ryot shall be presumed to be fair and equitable until the contrary is proved.'

There can be no better definition of a 'fair and equitable rent.' Later on in clause 39 it is stated:

'In the decision of suits between landlords and their tenants involving disputes regarding rates of rent, all contracts to pay rent, not inconsistent with the provisions of this Act, shall be enforced.'

And again; clause 40 states:

'If a question arises as to the amount of a tenant's rent or the conditions under which he holds in any revenue year, he shall be presumed, until the contrary is shown, to hold at the same rent and under the same conditions as in the last preceding revenue year.'

That was the extent to which Mr. Crole was prepared to go. He was not prepared, in spite of his admitted sympathies with the ryot population, to go any further; with reference to fixing of the rent, he did not say, 'Let us go back to 1802.' That is sequestration of property, which is not justifiable.

"With these remarks, Sir, I have very great pleasure in seconding the amendment that has been so ably moved by my hon. Friend Sri G. Krishna Rao, who has now spoken on it."

MR. SPEAKER:—"I suppose hon. Members will finish their speeches in five minutes since the House has been treated to long and exhaustive speeches hitherto. We shall have concise and direct speeches hereafter, very brief speeches."

* M. AHMED BATCHA SAHIB BAHADUR:—"Mr. Speaker, I shall try to be as brief as possible; I shall not tire the patience of this House, as much of the ground that I thought I should traverse has already been covered, and there would be no use in repeating the same arguments over and over again. I am not claiming to speak anything from first-hand information; but what I speak, I speak as the result of a brief and a very hasty study of the voluminous Report that has been placed before the members of this House. I do not say that other members could not have

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read it thoroughly; but for my part, I should say that I have been able to go through it only cursorily; and if I were to show anything that might be true, that might be appreciated by the House, the credit must go to those that have unearthed material covering several hundreds of years and placed it before this House; and if there be found anything defective, Sir, I should certainly put it to the nature of the subject itself and much more to the ignorance of a novice like myself, particularly as I have nothing to do with a subject relating to agriculture.

“ In dealing with this subject, Sir, I would like to summarize the substance of the material that has been placed before the House under four heads. These arguments have been arrived at by me after very careful consideration of the points. The first and foremost point that has been decided by the Parliamentary Committee appointed by this House, namely, that the tenant is the owner of the soil, seems to be the most fundamental principle that has been established. Sir, some have been laughing at the idea that we should have gone on even to the beginnings of history, even to the dawn of time, in order to arrive at this conclusion. There was nothing to laugh at, Sir. In an enquiry of this kind, we proceed not with any idea of an antiquarian spirit, but with the idea of unearthing a maxim or principle that might underlie all social order, administration and government. Therefore, Sir, although this point has been laughed at in many circles, I could not sympathise with them; for I believe that the enquiry has been set out very earnestly, with a view to bring out a fundamental principle lying at the very foundations of society. In considering the Report, the first point that strikes me is what I would call the argument of priority. Sir, in considering this point, I might refer to a homely illustration in Tamil: we used to say, ‘ Which is the earlier, the egg or the hen? ’ The question is not so intricate in dealing with a problem of this kind; because, Sir, it must be admitted that at the very beginnings of early history, mankind has been possessed of wealth in the shape of cattle; man has been roaming about from country to country for fodder and a stage was reached when he had to settle down; and in that connexion, I am asking the House, which was earlier—whether kingship was earlier, or property was earlier. Kingship was certainly a later institution that had developed after society had settled itself on farms, and had formed itself into an administration, and administration had been developed into a village and the village created a headman. Sir, it is therefore clear that, whatever property has been settled on human kind, it must have been on the community as a whole; and whatever that community is which has come to be established in a particular village, it must have owned it much earlier than the idea of kingship could have ever dawned. Therefore, Sir, I hold that from the point of view

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of priority, the idea of ownership of the soil as belonging to the people that had settled therein, must have precedence over any other idea, or theory, of property or economics.

“ Sir, the second argument that presents itself before me is the question of the relationship of the ruler and the ruled. I find that in the materials that have been placed before the House a serious misconception has been lying at the bottom. That misconception seems to be that the relationship between the ruler and the ruled was born out of a peculiar contractual relationship. I hold that this is wrong fundamentally, because the peculiar relationship that arises between a ruler and his subjects arises out of status. There is no question of contractual obligation that arises out of the obligation of the ruled or the subject to contribute towards the governance of the State. Therefore, the position of a ruler is one peculiarly that of status and not of contract. Any such idea introduced would be foreign to a political settlement, to a settlement of economic relationship. Well, Sir, out of this point arises one other point as a corollary, namely, that whatever might have been established as a result of the peculiar relationship between the subject and the king, leads to the establishment of an idea based not upon any contract but upon usage and custom.

“ That is the corollary that arises out of the peculiar relationship of the king, that whatever he settles with the people is not by the ordinary will of the king or anything that they might agree to, but it is prescribed by what we might call ‘ usage and custom. ’ Sir, in searching some of the books on ancient history and also in studying some of the ancient laws on the subject, though I do not claim to be a student of the law of Manu, I have been searching over some of the pages of law as codified by Manu; and though I find no direct legislation of this kind or any direct statement as to who is the owner of the soil, it is clearly pointed out what proportion it is that a ruler is entitled to in the income of his subjects. Sir, in laying down what the king can collect from the subject, the Code of Manu clearly says that he shall collect one-fiftieth of the income in gold and cattle. Then again he says one-sixth shall be collected or one-eighth or one-twelfth from out of the crop of the subject. This is laid down clearly and as to the method of collecting it, Manu goes further and says he shall collect like a leech that draws blood from the body, like a bee that draws honey, like a calf that draws milk from the cow, that is in small quantities and little by little, without pain to the subjects, he should draw it and fill his own treasury. Apart from what is laid down in Manu, and apart from what it would lead to, as to usage and custom that should prevail in determining the proportion that the king is entitled to out of the crop of the subject, it helps me to draw

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another argument in favour of the principle that has been enunciated, viz., that the subject is the owner of the soil, on the theory of analogy. In laying down what is due to the king, mention is made of all kinds of property that were known in those days and of all the kinds of property that were known in the days of Manu; we have mention of gold, cattle and land. In determining what is due to the king, Manu says, 'Thou shalt take a portion of the gold, thou shalt take a portion of the cattle, thou shalt take such and such portion of the crop.' Such being the case, I am arguing whether on an analogical basis we can say that simply because a king collects the tax he can claim the property also. He can never do so. In the same manner as he can never claim the gold on the increase of which he assesses the tax, just as he can never claim on the increment of cattle, so also can he never claim the land itself, although he can claim a certain portion of the crop. Therefore, by an argument based on analogy, I say that merely because the king collects the tax on land, I cannot understand how the owner of the soil can be penalized by saying that he has no proprietary right or ownership in the soil; whereas a trader or a merchant or any other person dealing with cattle or dealing with any other kind of wealth in those days can claim proprietary right in the cattle and give to the king only a certain proportion out of his income. That is a most unjust thing and some have asked me and most wonderfully too, what is there to prove that the property is that of the ryot? Was there any legislation to prove that? I am simply amazed at that idea. I ask, was there a House of Legislature like this in those days and were the people governed by rules and regulations and systems of the kind as at present? Laws were codified in books and in holy scriptures, and I go even to the extent of saying that in those days there was no necessity for any such legislation. An examination of the facts would reveal this conclusion that this was taken up as an axiomatic truth, as the thing that was established once for all and taken for granted and no one would have questioned it. Hence I say there was no necessity for legislation in regard to this matter. So, it went without saying that the land was that of the ryot and I would go even to the length of saying that the land was never that of the king (Hear, hear from the Ministerial benches). *Ipso facto* it follows that the right that the king has over the land is that due to the peculiar status that he occupies, and only so long as he occupies that status, is he entitled to any contribution and not afterwards.

"Now, Sir, some members have referred to the custom in the days of the Muhammadan rule in India. Of course, I do not claim to be an authority on the history of Muhammadan rule in India (Abdul Hameed Khan Sahib Bahadur: 'Not Muhammadan, but Muslim.') I beg your pardon, Sir. For the satisfaction of my Muslim brethren I would refer them to what

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the first Muslim in the world has said on this question and that must make them bow down. Of course I do not care if the king had done anything to the contrary, which I do not believe; I do not care what individuals might have believed and might have followed, but if it can be pointed out clearly what the Holy Prophet Muhammad himself has laid down, there should be no argument for a Muslim to say anything against it. Sir, in the course of my investigation into the subject, I had recourse to the holy book containing the sayings of Muhammad, as recorded in the book known as 'Bokhari.' In discussing the same subject of the relationship between the landlord and the tenant, the Prophet says that while the conquest was made of a particular city, because the soldiers were entitled to the spoils of war always, he would also have taken up the land and distributed it amongst the victorious soldiers, but for the fact that it was against the general good of the people. Now, Sir, here was a victorious army led by the great Prophet and it was a land conquered by him, but when it came to a question of distributing it, he says that the spoils of war are different from the land and because of the general good of the people he said that he should desist from distributing it and handing it over to the soldiery, though he would hand over to them the spoils of war, for they were entitled to it. It may be asked, how did the Prophet himself come to be in possession of power? Not that he conquered any territory, but he became the elected chief of the State and as such the property was vested in the people"

MR. SPEAKER:—"Is it not possible for the hon. Member to be brief and speak on the Report of the Estates Land Act Committee?"

* M. AHMED BATCHA SAHIB BAHADUR:—"I am speaking on the Report and am establishing the fundamental principle of the proprietary right of the soil."

MR. SPEAKER:—"It is no doubt a good speech, but such historic development from ancient records might be referred to in brief."

* M. AHMED BATCHA SAHIB BAHADUR:—"Because I have to base my arguments on history for establishing this principle."

MR. SPEAKER:—"Then you will take two or three hours."

* M. AHMED BATCHA SAHIB BAHADUR:—"Then I will sit down, Sir."

MR. SPEAKER:—"On this question, we cannot be treated to Qoran and other religious books."

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* M. AHMED BATCHA SAHIB BAHADUR:—"I cannot see why I should not quote or comment on such things when others have done so."

MR. SPEAKER:—"It takes too much time."

* M. AHMED BATCHA SAHIB BAHADUR:—"But the point is . . ."

MR. SPEAKER:—"If the hon. Member can briefly put it and finish his speech, then the House may give him the indulgence of time, but if he elaborates on the point, I think, he may publish it in the form of a long article in the Press."

* M. AHMED BATCHA SAHIB BAHADUR:—"I am not very fond of this publicity, Sir."

MR. SPEAKER:—"The discussion is now upon the Estates Land Act Committee Report and the speech should be directly relevant to it."

* M. AHMED BATCHA SAHIB BAHADUR:—"Sir, I have been elaborating on this point, because I felt that it must have been the fundamental basis on which the Report has been made. I find that although I have submitted that it was axiomatically taken as truth in days gone by, by an unfortunate evolution of circumstances a contrary idea had developed which had not been given full expression to in the various pieces of legislation which have been referred to in this House. Sir, that has necessitated my stating it, because what I am going to suggest depends upon the finding that the 1802 settlement was a thing that had been born out of the most inauspicious circumstances. The finding of the Committee has been that the tenant is the owner of the soil and it has been established that legislation on the subject has not been unambiguous.

"Then, Sir, the circumstances under which the Regulation of 1802 came into being were the confused state of affairs which followed the disruption of the Moghul empire and disturbed the condition of the country before the advent of the new rule into India. A chaotic condition might have existed prior to the legislation of 1802, but it does not follow that what has been laid down in 1802 could have been the final word on the subject. It is not possible to discover anywhere during the Muslim or Hindu rule that there was anything like half gross or half net proportion of settlement. The highest that we have heard of under the Muslim rule appears to be one-third and we have very often heard of the Mahratta rule in India where it has been the 'Chauth' which means one-fourth. The sudden development of half must have come in as an ameliorative measure, considering the conditions then prevailing. So, now especially when the finding of the Committee is that the tenant is the owner of the

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soil, it cannot be consistently said that the 1802 rate which was probably based on a sub-conscious feeling that the zamindar was the owner of the soil, should be adhered to. It is inconsistent to say that the tenant is the owner of the soil and at the same time perpetuate what obtained in 1802, though not for other purposes at least for purposes of rent. It seems to me a novel idea to condemn the Permanent Settlement as having come under very inauspicious circumstances and in the same breath uphold it to be the basis of further legislation.

"Sir, it has been asked in certain quarters whether there was any tripartite contract. I feel certain that when the Regulation of 1802 was passed the Patta Regulation was also passed simultaneously. The simultaneous legislation of the Patta Regulation gives support to the view that the settlement of 1802 could not have been made but for the fact that the relationship between the tenant and the landholder was also sought to be regulated. It was a simultaneous piece of legislation intended to settle and set at rest the questions that should otherwise be agitating the minds of the landlord and the tenant. As my hon. Friend Mr. Appadurai Pillai said, there is no use in taking up one section of it and looking at its wording and import, in isolation from its context. It is to be seen as a whole and as one piece of legislation; but this accusation might also be made against the other side. If the Committee is guilty of taking up one section and viewing it in that way, is not the other side guilty of taking up some other section and doing the same thing? I submit, Sir, that the whole thing should be read in its proper context and not as the Committee and others have done, all the while saying that the particular section relied upon was isolated from its moorings. The whole thing should be read bearing in mind the purpose and the principle running through it. If it was superfluous legislation—it is not so—I do not understand why people of those days were so simple minded as to have thought of following it up on the same day, i.e., 13th July 1802, by the Patta Regulation. The fact of the matter is that these things were done with a purpose. It is supplementary and complementary. The relationship between the ryot and the landholder was defined and regulated. It was laid down clearly what exactly the tenant can expect of the zamindar and what his rights and obligations were; what he was obliged to pay him and what in return he could expect from the zamindar. The whole thing could not have been incorporated in one Regulation for it was not a tripartite agreement. The agreement came to between the zamindar and the Crown is on one footing and the agreement concluded between the tenant and the landlord is on a different footing; and consequently these two could not be put together and brought under one piece legislation fixing the amounts to be paid by the zamindar to the Crown on the one hand and by

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the tenant to the zamindar on the other. So it was necessary that the Patta Regulation should have been promulgated at the same time as this legislation."

MR. SPEAKER:—"I think the hon. Member would wind up his speech."

* M. AHMED BATCHA SAHIB BAHADUR:—"The other point is whether there were not agents of collection in the days of Hindu and the Muslim rule in India. There are indications in favour of this suggestion. I shall be very brief because I know the time is very short."

MR. SPEAKER:—"There are other members anxious to speak. The hon. Member is treating the House to very minute details of the question but the unfortunate thing is that other members are equally anxious to participate in the debate and who are also anxious to be more precise and direct to the point."

* M. AHMED BATCHA SAHIB BAHADUR:—"I do not know if I have not been precise."

MR. SPEAKER:—"The hon. Member has not been. There is no doubt about that. How much time does the hon. Member require?"

* M. AHMED BATCHA SAHIB BAHADUR:—"I will close after finishing the points I want to deal with. I have not finished them and I will not take more time than is necessary."

MR. SPEAKER:—"Two or three minutes?"

* M. AHMED BATCHA SAHIB BAHADUR:—"No, Sir, two or three points. The question of there being agents for collection was raised during our friendly discussion in our party. There were agents but they were removable after a fixed period at the will of the Crown or according to an understanding come to between the Crown and the agent. There were also agents in the Muslim rule who were allowed to collect revenue in return for military services rendered. But even in such cases it was dispensed with very easily whenever the king thought the services were unnecessary. There was no perpetuity at all and so there could be no ground for thinking that the proprietary right in the land vested in anybody. If it could not vest in the king, it could not vest in any body else. It is by virtue of his status that he has a right to contribution, which right he could not transfer to somebody else. It is a right attaching to him by reason of his status. The rights of such agents were distinct and different from those that were contemplated in later days.

"It has been said that eminent judges since 1802 have held in favour of the zamindars."

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MR. SPEAKER:—"I think that point has been thrashed out. It has been too often repeated and repetition of arguments must be avoided."

* M. AHMED BATCHA SAHIB BAHADUR:—"I thought I should have spoken something on the exchange question. But since I am not given time, I would like to close."

MR. SPEAKER:—"Time may be taken, but needless repetition cannot be allowed. That is a parliamentary limitation upon debate."

* M. AHMED BATCHA SAHIB BAHADUR:—"I have not been reading from a manuscript."

MR. SPEAKER:—"But manuscripts were so carefully prepared as to avoid these."

* M. AHMED BATCHA SAHIB BAHADUR:—"But so far as I am concerned, I have been only proceeding from point to point and I should think . . ."

MR. SPEAKER:—"But hon. Members must observe the rules of the debate that irrelevancy and needless repetition are the two limitations imposed upon parliamentary debate and hon. Members cannot at this stage be allowed to repeat arguments."

* M. AHMED BATCHA SAHIB BAHADUR:—"If the Hon. Speaker thinks that I have been repeating and I have been indulging in irrelevancies, I would stop, Sir."

MR. SPEAKER:—"Points may be stated. If he has got any, he will be allowed time."

* M. AHMED BATCHA SAHIB BAHADUR:—"I am not going to speak."

The House then adjourned to meet again at 3 p.m. the next day.

THE MADRAS LEGISLATIVE ASSEMBLY

Thursday, the 26th January 1939

The House met in the Assembly Building, Chepauk, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Preparation of a list of backward classes requiring special treatment.

* 675 Q.—SRI H. B. ARI GOWDER: Will the Hon. the Prime Minister be pleased to state—

(a) whether there is any proposal to draw up a list of backward classes for special treatment; and

(b) if not, whether the Government will be pleased to take early steps to do so?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) & (b)
A list of backward classes has been drawn up and is to be found in Appendix 17-A to the Madras Educational Rules.”

Inauguration of Federation as adumbrated in the Government of India Act, 1935.

* 676 Q.—K. ABDUR RAHMAN KHAN SAHIB BAHADUR: Will the Hon. the Prime Minister be pleased to state—

(a) whether His Majesty's Government or the Government of India have given any indication to the Government of Madras regarding the probable date of the inauguration of Federation as adumbrated in the Government of India Act, 1935;

(b) whether the Government of Madras have come to any decision as to the attitude they are going to adopt in this matter; and

(c) if the answer to (b) is in the affirmative, what that attitude is?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) If the question is as to anything in the special knowledge of this Government, the answer is in the negative. If it is merely a question on the general situation, it is a matter of opinion.

“(b) & (c) The Government consider that no good purpose can be served by discussing such matters at this stage on the floor of the House.”

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K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—" May I know, Sir, whether Government will be pleased to take the House into its confidence before deciding anything about the Federation problem? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" If the question is as to the action to be taken by the Government as such, the hon. Member's suggestion will be accepted."

677 Q.—a

Representations of the ryots of Singarapet and surrounding villages in Harur taluk for postponement of land revenue collections.

* 678 Q.—SRI M. G. NATESA CHETTIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that the villagers of Singarapet and surrounding villages in Harur taluk have sent a mahazar urging the postponement of land revenue collections for this fasli;

(b) whether the Government propose to comply with the request of the villagers; and

(c) what other relief, if any, is proposed to be given them?

THE HON. SRI T. PRAKASAM:—" (a) Some petitions from the villagers in the Harur taluk were received.

" (b) & (c) The question of the relief, if any, to be afforded in the entire district will be considered on receipt of reports from the local officers."

Proposals, if any, for relief to the agriculturists in the Salem district.

* 679 Q.—SRI M. G. NATESA CHETTIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) with reference to clause (b) of Starred Question No. 461 answered on 8th December 1938, whether any report has since been received from the Collector of Salem;

(b) if so, whether the report will be placed on the table of the House;

(c) what the Government propose to do to alleviate the distress of the agriculturists in the Salem district; and

(d) whether any representation regarding such distress was made to the Government by the District Congress Committee, Salem?

THE HON. SRI T. PRAKASAM:—" (a) A preliminary report has been received from the Collector of Salem on the seasonal conditions in the Salem district.

* Vide pages 660—661 infra.

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" (b) The Government do not consider it necessary to place it on the table of the House.

" (c) The attention of the hon. Member is invited to the answer to clause (b) of Legislative Assembly Starred Question No. 668.

" (d) The answer is in the affirmative."

Opening of the Ponnani bar for navigation.

* 680 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL SAHIB BAHADUR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the formation of mud banks at the Ponnani bar causing great detriment to navigation and consequent loss and trouble to merchants had been brought to the notice of the Government; and

(b) if so, whether the Government will be pleased to take immediate steps to remove the obstruction so caused to navigation?

THE HON. MR. YAKUB HASAN:—" (a) & (b) I have visited the port this month and have called for a report from the Presidency Port Officer."

Release of Sri Muthuramalinga Tevar, M.L.A.

* 681 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL SAHIB BAHADUR: Will the Hon. the Minister for Law be pleased to state—

(a) whether there was any special reason or reasons for the release of Sri Muthuramalinga Tevar, M.L.A., who was convicted in connexion with the Pasumalai Mills strike;

(b) whether any others had been convicted and sentenced in connexion with this strike;

(c) if so, how many had been convicted and how many of them had been released; and

(d) whether Sri Muthuramalinga Tevar had tendered any apology, written or otherwise, to the Government?

THE HON. DR. P. SUBBARAYAN:—" (a) The attention of the hon. Member is invited to the answer to clause (c) of Legislative Assembly Question No. 410. Sri Muthuramalinga Tevar was released in pursuance of a policy of restoring good understanding in a labour dispute and on the strength of his statement that he did not advise his men to follow wrong methods of picketing and his written statement given to the court that he would advise thereafter against such procedure.

" (b) The answer is in the affirmative.

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“(c) One hundred and four persons (including Sri Muthu-ramalinga Tevar) had been convicted; all of them were released.

“(d) The answer is in the negative.”

Re-employment of peons discharged from service in the fish-curing yards.

* 682 Q.—SRI V. VENKATASUBBAYYA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that between 1934 and 1937, as many as eighty peons in permanent service in the fish-curing yards were discharged from service;

(b) what necessitated their removal;

(c) whether they applied for reinstatement or for appointment in some other department; and

(d) how many of them have been reinstated, or absorbed in other departments?

THE HON. SRI V. I. MUNISWAMI PILLAI:—“(a) Between 1934 and 1937, thirteen peons in the permanent service in the fish-curing yards were retired and seven peons were discharged from service.

“(b) It was due to the reorganization of the fish-curing yard staff in 1934.

“(c) Some of them applied for retention in the department.

“(d) All the seven peons discharged from service have been re-employed in the department.”

SRI V. VENKATASUBBAYYA:—“May I know how many of them have been re-employed?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“Seven.”

SRI V. VENKATASUBBAYYA:—“May I know exactly what part is played by this department?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“That is a different matter. It does not arise out of this question.”

Countermanding of the circular in regard to the introduction of “Andhra Desiya Vachakamulu” in the schools under the District Board, Narasapur.

* 683 Q.—SRI KALA VENKATA RAO: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Standing Committee on education of the Narasapur District Board resolved to introduce “Andhra Desiya Vachakamulu” in standards 1 to 3 in the Board schools;

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(b) whether the President, Narasapur District Board, issued a circular R.C. No. 95 of 1938, dated 14th July 1938 to all the schools in view of the above resolution;

(c) whether the ex-officio President, West Godavari District Board, in R.C. No. 204 (G. Dis. of 1938), dated 7th August 1938 in effect cancelled the above circular;

(d) what statutory authority enabled him to do so and whether the Government will be pleased to direct an enquiry into the matter; and

(e) whether the Government will be pleased to place on the table the orders passed in this connexion?

THE HON. SRI C. J. VARKEY:—“(a) & (b) Yes.

“(c) & (d) The Government have enquired into the matter and find that the cancellation was brought about by a misapprehension of rules and orders on the subject on the part of the local authorities.

“(e) The attention of the officers concerned has been drawn to this.”

SRI KALA VENKATA RAO:—“May I know what action the Government propose to take so that the loss incurred by the publisher can be recouped by him?”

THE HON. SRI C. J. VARKEY:—“The loss should be borne by the publisher, I presume.”

Representation against the proposed increase in the water-rate in the area irrigated by the Cauvery-Mettur Project.

* 684 Q.—SRI A. PL. N. V. NADIMUTHU PILLAI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the extent of lands brought under irrigation in the new ayacut of the Cauvery-Mettur Project area;

(b) the income derived every year from the new Cauvery-Mettur Project area;

(c) for how long the concession rate has been in force;

(d) what the recommendation of the Board of Revenue and the Collector is for extending the concession for another period of five years;

(e) whether the Government have received any representations from the ryots for such extension of the concession rate;

(f) whether the Government have enquired and studied the matter with respect to giving further extension in that area;

(g) whether it is a fact that, in spite of this concession for the last three years, the ryots of that area were not able to take the water for even 50 per cent;

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(h) whether it is a fact that the Government have published a Government Order to the effect that they are going to increase the water-rate from next fasli;

(i) if the answer is in the affirmative, what the special reason is which made the Government issue such a Government Order in advance;

(j) whether the Government have consulted the Collector and the Board of Revenue before issuing the present Government Order proposing to increase the present water-rates;

(k) whether it is a fact that the then Government investigated into the whole matter through the Collector and the Board of Revenue, and recommended the continuance of the concession rate permanently, in view of the fall in prices of paddy and failure of monsoon;

(l) whether it is a fact that the prices of food grains have gone down further even after the concession;

(m) whether the Hon. the Minister will consider the present conditions in relation to the proposal to increase the water-rates in the Cauvery-Mettur Project area; and

(n) whether the Hon. the Minister will place on the table the recommendations made by the Collector and the Board of Revenue on this matter?

THE HON. SRI T. PRAKASAM:—“(a) The area irrigated in the Cauvery-Mettur Project is—

					ACS.
First crop	...	...	...	...	132,246
Second crop	...	...	...	...	12,592
					RS.
“(b) 1933-34	...	...	...	...	1,09,040
1934-35	...	...	...	...	11,12,311
1935-36	...	...	...	...	8,70,561
1936-37	...	...	...	...	11,15,084
1937-38	...	...	...	...	11,18,912
					(approximately).

“(c) For five faslis up to and including fasli 1348.

“(d) No recommendations on the subject have yet been received from the Collector or the Board of Revenue.

“(e) The answer is in the affirmative.

“(f) The matter will be examined on receipt of proposals from the Collector and the Board.

“(g) The percentage of area irrigated to the area forecasted is: first crop, 91 per cent and second crop, 36 per cent.

“(h) & (i) The hon. Member is apparently referring to G.O. No. 2623, Revenue, dated 7th October 1938. As explained

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in the Press Note, dated 26th October 1938, the rules mentioned in the notification published with that Government Order merely replace the corresponding old rules relating to the districts of Tanjore, Trichinopoly and Salem and the rates of water-cess referred to therein are the *ultimate* rates. They do not in any way affect the existing concessional rates of water-cess which the Government have sanctioned until the end of fasli 1348.

“(j) The question does not arise.

“(k) No such decision was reached by the previous Government.

“(l) The price of rice has been fluctuating but has not gone down at any time since below the figure for July 1934.

“(m) The answer is in the affirmative.

“(n) In view of the answer to (d), the question does not arise.”

SRI K. SAPTHARISHI REDDIYAR:—“As the ryot seems to be the proprietor of the soil, are not the Government bound to supply water free, Sir? ” (Laughter.)

THE HON. SRI T. PRAKASAM:—“It will not be so. The hon. Member must have some patience.”

SRI KALA VENKATA RAO:—“Will Government consider the Estates Land Act Committee's recommendation in the matter, Sir.”

THE HON. SRI T. PRAKASAM:—“It is still under consideration; it is not yet time.” (Laughter.)

Arrests and treatment of persons convicted in connexion with the anti-Hindi movement.

* 685 Q.—SRI B. BAKTAVATSALU NAYUDU: Will the Hon. the Prime Minister be pleased to state—

(a) whether any arrests were made in connexion with the anti-Hindi movement in this Presidency, and if so, how many;

(b) the number of cases filed against anti-Hindi agitators;

(c) the number of cases that resulted in acquittals or discharge;

(d) the number of cases that ended in convictions;

(e) whether they are treated as political prisoners or as ordinary convicts;

(f) whether it is a fact that Swami Arunagiri Nathar was convicted and if so, for what offence;

(g) whether he requested the court to classify him as a ‘B’ class prisoner and whether it was refused, and if so, why;

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(h) whether it is a fact that the Presidency Magistrate refused to allow rice diet to some of the prisoners and whether the Government have issued any directions on this matter; and

(i) whether the picketing carried on by the anti-Hindi agitators is peaceful and if so, why should it be treated as an offence?

THE HON. SRI C. RAJAGOPALACHARIAR:—“(a) to (d) Arrests in connexion with the anti-Hindustani ‘picketing’ totalled to 623, up to 31st December 1938.

“Prosecutions were made in 238 cases, 35 cases ended in acquittal or discharge and 198 cases in conviction.

“(e) They are treated as most members sitting on this side of the House were treated when they were sentenced to imprisonment, i.e., as ordinary prisoners with the addition of buttermilk in the diet of unclassified prisoners.

“(f) He was convicted for abetment of anti-Hindustani ‘picketing.’

“(g) It is reported that Swami Arunagiri Nathar's request to be classified was rejected as the grounds for classification were found not to apply to his case.

“(h) The Government have ordered that rice diet should be given to any prisoner convicted in connexion with what is called anti-Hindustani picketing, if he asks for it.

“(i) The action of the persons referred to is not picketing but a reprehensible form of causing annoyance calculated to provoke a breach of the peace but for the patience of the victims and the vigilant control of the authorities. It cannot be considered as peaceful picketing as after a trial of eight months, it is found that not one student who attended the school has so far been persuaded to desist on account of reasons urged by the picketers, which marks the distinction between picketing and merely causing annoyance and obstruction.”

SRI T. S. CHOKKALINGAM:—“May I know, Sir, when this Arunagiri Nathar became a *swamiar* and why?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I do not think that that question arises.”

SRI T. S. CHOKKALINGAM:—“May I know, Sir, what the antecedents of Swami Arunagiri Nathar are?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I am sorry, Sir, I cannot go into that now.”

SRI T. S. CHOKKALINGAM:—“Is it not the duty of the Government, Sir, to know the antecedents of their prisoners?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Not after their conviction.”

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SRI T. S. CHOKKALINGAM:—“May I know, Sir, what is the actual number of prisoners who have tendered apology?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“That too does not arise out of this question. I am sorry to say I have not got the figures, Sir.”

SRI KALA VENKATA RAO:—“May I know if any apology application is pending with the Government?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“No, Sir. The Government decided that except where a question of health is concerned, there was no use going into these apologies.”

SRI A. SUBRAHMANYAM:—“சாப்பட்டிற்கு வழி இல்லாமையினாலும் வேலை யெங்கும் கிடைக்காமையினாலும் துரக்கிரக இயக்கத்தில் தாங்கள் சேர்ந்ததாக சில துரக்கிரகிகள் பகிரங்கமாய் கேர்ட்டில் வாக்கு மூலங்கள் கொடுத்ததை அரசாங்கத்தார் அறிவார்களா?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“தயவு செய்து இந்த கேள்விக்குப் பதில் சொல்ல என்னைக் கேட்கவேண்டாமென்று கேட்டுக் கொள்கிறேன்.”

SRI T. S. CHOKKALINGAM:—“May I know, Sir, whether any hon. Member of this House is connected with this anti-Hindi agitation?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I am connected, Sir.” (Laughter.)

SRI T. S. CHOKKALINGAM:—“May I know, Sir, whether any of the hon. Members of this House, who are advocating anti-Hindi offered themselves for picketing or are merely showing lip sympathy?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I think, we should feel glad, Sir, that they did not go further.” (Laughter.)

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“Am I right, Sir, in saying that the Government in reply to a question sometime ago stated that no one has been convicted in connexion with the anti-Hindustani movement?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“The hon. Member is quoting wrongly. What I said was that no one has been convicted for anti-Hindustani agitation and I say so again.”

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“May I know, Sir, if picketing amounts to causing any amount of annoyance?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“Some kinds of annoyance go by the name of picketing, but in real picketing there will not be annoyance.”

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K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—" May I know, Sir, from the Hon. the Premier what peaceful picketing is, what it should be and how it should be? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" Sir, picketing is a form of persuasion. Picketing is a way of attempting to persuade people and it must be peaceful. It must be calculated to convert the mind of the person who is picketed, but picketing for annoyance of the Government is not picketing."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" I would like to ask the Government whether one of the prisoners convicted in this movement, Mr. Ramaswami Nayakar, is now not keeping good health? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" I am sorry it does not arise; but if a question is put down, I shall make enquiries."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" In view of the death of a prisoner convicted in this movement and in view of the feeling that adequate and immediate medical aid of the proper kind was not given to him in the jail, will the Government give an assurance to this House that they will do all that is possible to take care of the health of all the prisoners who have been convicted in this movement and who are kept in various jails in the Presidency? "

THE HON. SRI C. RAJAGOPALACHARIAR:—" I am surprised at the form in which a responsible member has put the question. The matter was thoroughly discussed the other day and I made it very clear and beyond all possible doubt that the best and most expert medical help was given to the prisoner, to the boy of 18, who had been dragged into this agitation and who died on account of previous disease. Therefore, there is no question of anything having been shown that proper attention was not given. And, therefore, Sir, the supplementary question does not arise."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Mr. Speaker, Sir, in putting this question, I never put a supplementary question about the death of Natarajan or the disease on account of which he died. I put this supplementary question, as no assurance was given to us the other day with regard to the prisoners in the various prisons in the Presidency. Now I want to know in view of the answer which the Prime Minister has just now given that there are a large number of prisoners, whether the Government can give this House an assurance that they will give all medical help to all those prisoners who are connected with this movement."

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MR. SPEAKER:—" The Kumararaja will notice that the question was preceded by an observation that there was a feeling that a prisoner was not properly treated. If that observation is withdrawn the question may be answered."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" I wanted answer to the second part of the question. I myself wanted to tell you, Sir, that I will be willing to remove the first part provided I got the answer to the second part."

MR. SPEAKER:—" The second part of the question will not be allowed unless the first part of the question is withdrawn."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" I am very willing to withdraw that part of the question, Sir. I am anxious to get the answer to the second part. I think it will be very helpful for the Government also, Sir."

THE HON. SRI C. RAJAGOPALACHARIAR:—" I am thankful and glad that the observation made has been withdrawn. But, you will permit me, Sir, to say that the Leader of the Opposition should not really have put the question as a person in his position making such observations does seriously hurt the cause of good Government, even though subsequently the observation is withdrawn. If any other hon. Member had made such an observation, I would not have made such fuss about it but I would have ignored it."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Mr. Speaker, I am very anxious to keep the decorum of this House. I will be the last person to put any such question. I have always been very careful and polite and I only wanted information. I submit, Sir, that I never put a question which can be construed as not proper. I am very anxious to put only relevant questions. And, now, I only wanted that the House should get an assurance from the Government which will go to allay public apprehension regarding the health of these prisoners. I think the Government should have thanked me and welcomed the opportunity for explaining to this House, that they are taking care of the health of these prisoners."

MR. SPEAKER:—" The Kumararaja will stop his argument. The question hour is not intended for any argument between members. The Kumararaja will frame the supplementary question again and then it will be answered straight."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Will the Government be pleased to give an assurance to this House that they will do all that is possible to give immediate help to all prisoners who may be in need of medical attendance,

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prisoners who are convicted in the anti-Hindustani movement and who are kept in the various jails in the Presidency?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"That assurance is there in the very functions of Government and that assurance may be taken to be there on the statute-book in respect of every prisoner in the jails of Government."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, from the Hon. the Premier, Sir, whether the Government have satisfied themselves that in all cases of conviction the terms of sentences are commensurate with the offences and charges that are made against these individual prisoners."

THE HON. SRI C. RAJAGOPALACHARIAR:—"It does not arise out of this question, Sir, and it is not for the Government to make such observations now with regard to the sentences."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask the Hon. Prime Minister whether, in view of the fact that this has assumed a political colour—although the Hon. Premier may not agree, the facts are there—he will go a little out of the way and see that the sentences that are inflicted on a large number of these cases are not bitter and are not more than what they should be?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am sorry, Sir, that the hon. Member is driving me to give my opinion on the sentences, and if he insists, I would say that the sentences are very light."

SRI A. SUBRAHMANYAM:—"சுவாமி என்று வழங்கப்படுகிறவர் களுக்கு இருக்கும் நல்ல குணங்களும் நடத்தைகளும் இல்லாமையினாலேயும், 'B' வகுப்பினருக்குள்ளே அந்தஸ்து இல்லாமையினாலேயும் ஸ்ரீ அருணகிரி நாதர் 'B' வகுப்புக் கைதியாகப் பாவிகப்பட்டாமலிருக்கலாமல்லவா?"

(No reply.)

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I should like to know the English version of the question; it appears to be a very important question."

THE HON. SRI C. RAJAGOPALACHARIAR:—"The question was, what is the basis on which the classification of prisoners is made as political? There is no such classification according to orders of the Government. The classifications are A, B, and unclassified. That is all."

SRI E. KANNAN:—"With reference to the answer to clause (f) of this question, may I know, Sir, whether the simple fact that this Mr. Arunagiri Nathar is a *swamiar*, is sufficient qualification for his being treated as a 'B' class prisoner?"

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THE HON. SRI C. RAJAGOPALACHARIAR:—"I am unable to see that anybody has asked that a person should be placed in the 'B' class because he is a *swamiar*. There is no such request in the question."

SRI T. S. CHOKKALINGAM:—"May I know, Sir, how many illiterate and literate persons there are among the anti-Hindi prisoners?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am not ready with an answer, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I want to make a submission, through you, Sir. I have been noticing some of these questions and I find that they have been put not with the object of eliciting information, but of making an insinuation. I hope the Hon. the Speaker will not allow such questions."

MR. SPEAKER:—"The hon. Member is not in order in making use of the word 'insinuation.' If there was any insinuation, the questions would not have been allowed. The hon. Member must have known it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"It is a matter of opinion."

MR. SPEAKER:—"The hon. Member ought not to express such opinions."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Why?"

MR. SPEAKER:—"He ought to withdraw the insinuation against the Chair."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"In my opinion certain questions were insinuating, Sir."

MR. SPEAKER:—"The ruling has been given and the Chair has allowed these supplementary questions, because there were no insinuations in them."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I do not say anything upon the ruling given. I merely requested the Hon. the Speaker not to allow such questions hereafter, because they are . . ."

MR. SPEAKER:—"At no time will any insinuation be allowed, whether by Mr. Abdul Hameed Khan or any other member."

THE HON. SRI C. RAJAGOPALACHARIAR:—"It appears there has been a little confusion. There is no question of insinuation at all. Some members who have already information put a question as if to elicit information. That is perhaps what the hon. Member is objecting to. But, it is a very old parliamentary practice." (Laughter.)

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Subjects dealt with by the Hon. the Minister for Local Administration and the Hon. the Minister for Education in the administration of schools under local bodies.

* 686 Q.—H. S. HUSSAIN SAHIB BAHADUR:—Will the Hon. the Prime Minister be pleased to state in connexion with the administration of schools under local bodies the portions thereof that are dealt with respectively by (a) the Hon. the Minister for Local Administration; and (b) the Hon. the Minister for Education?

THE HON. SRI C. RAJAGOPALACHARIAR:—“As at present arranged, the administration of schools under local bodies is dealt with wholly by the Hon. the Minister for Education.”

Procedure in regard to the recording of votes at the meetings of the District Road Traffic Boards.

* 687 Q.—SRI M. G. NATESA CHETTIYAR: Will the Hon. the Minister for Law be pleased to state—

(a) whether it is a fact that at the meetings of the District Road Traffic Boards the names of dissenting and assenting members are not recorded at the time of the voting even when so required by the members; and

(b) if the answer to clause (a) is in the affirmative, what the reasons for the same are?

THE HON. DR. P. SUBBARAYAN:—“(a) & (b) The Government have no information as to the practice followed in each District Road Traffic Board. The Central Road Traffic Board has, however, informed all District Road Traffic Boards that it is not necessary to record the names of assenting and dissenting members in their proceedings, on the ground that a Road Traffic Board functions as a statutory body, and that the majority vote is the decision of the Board, no individual member having any separate standing in the matter of issuing the Board's orders.”

Utilization of the provision of Rs. 2,00,000 budgeted for the encouragement of khaddar.

* 688 Q.—SRI K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) what portion of the sum of Rs. 2 lakhs set apart in the budget for 1938-39 for encouraging the production of *khaddar* has been spent up till now; and

(b) in what manner?

THE HON. SRI V. I. MUNISWAMI PILLAI:—“(a) The Government sanctioned a grant of Rs. 90,162 and a subsidy

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up to a maximum of Rs. 1,00,257 for the development of hand-spinning and *khadi* manufacture generally in this Province; they also sanctioned another grant of Rs. 6,413 and a subsidy up to a maximum of Rs. 2,500 for the development of the above industry both in cotton and wool in Bellary and Kurnool districts. So far, a sum of Rs. 51,481 has been disbursed to the Association.

“(b) Information in regard to the manner in which the grants and subsidies are to be utilized will be found in G.Os. No. 2574 and No. 2575, Development, dated 17th October 1938, copies of which are available for reference in the Library of the Madras Legislature.”

Appointment of Muslims as permanent clerks in the Revenue department in the South Kanara and Malabar districts since the Madras Public Service Commission began to recruit candidates.

* 689 Q.—KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR: Will the Hon. the Minister for Revenue be pleased to state—

(a) how many permanent clerks have been appointed in the Revenue department in the South Kanara and Malabar districts since the Madras Public Service Commission began to recruit candidates;

(b) how many of them are Muslims; and

(c) how many turns of Muslims, according to the rule of communal rotation, were passed over for want of qualified hands during this period?

THE HON. SRI T. PRAKASAM:—“(a), (b) & (c) The Government have called for a report.”

MR. SPEAKER:—“The discussion on the Estates Land Act Committee Report will now be resumed.”

SRI P. R. K. SARMA:—“I request I may be allowed to claim the customary indulgence allowed to members to put my question now, Sir.”

MR. SPEAKER:—“May I know why the hon. Member was not in his place when the question was called?”

SRI P. R. K. SARMA:—“I had to attend a police court, Sir.”

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—“On a point of information, Sir, are members expected to submit their explanation with regard to their absence from the Assembly?”

MR. SPEAKER:—“If they do not come in time to put their questions, the questions may not be answered; and when they ask for the indulgence of the Chair to have the questions put again

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when the debate was to be resumed, they must explain. Having been here for the past one year the hon. Member must have known it."

K. ABDUR RAHMAN KHAN SAHIB BAHADUR:—"I thought Sir, that we are expected to give no explanation."

MR. SPEAKER:—"Members should punctually be in their seats at 3 o'clock when the questions are put. The hon. Member must at least know that parliamentary duty he owes to this hon. House."

Alleged termination of service of Sri V. V. Narasimham, M.L.A., by the Madras and Southern Mahratta Railway.

* 677 Q.—SRI P. R. K. SARMA: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that Sri V. V. Narasimham, a member of this House, was discharged from his appointment under the Madras and Southern Mahratta Railway for the reason that he stood for election and got elected to this House;

(b) whether Sri Narasimham or any other member of this House made any representations to the Government about the matter; and

(c) whether the Government considered such representations and what action was taken on them and how the matter now stands?

THE HON. SRI C. RAJAGOPALACHARIAR:—" (a) The Government are aware that Sri V. V. Narasimham was discharged from the service of the Madras and Southern Mahratta Railway Company for having stood for election when permission therefor was refused by the authorities of the railway.

" (b) The answer is in the affirmative.

" (c) The matter was taken up with the Government of India and is still under correspondence."

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SRI P. R. K. SARMA:—"May I know, Sir, whether it is not an infringement of the rights of the members of this Assembly to be dismissed by employers from service for the reason that they are members of this Assembly?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I should not give an opinion on that question, Sir; but, all the questions arising out of this transaction have been taken up vigorously by the Government and the matter is under correspondence."

SRI P. R. K. SARMA:—"May I know, Sir, whether Sri V. V. Narasimham is not representing a labour constituency in this Assembly and not a general constituency?"

MR. SPEAKER:—"It makes no difference. I do not allow that question."

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SRI P. R. K. SARMA:—"My point is that, Sir, as a worker he has got a right to stand for the Labour Constituency. If one is a factory worker, he is entitled to stand for election for the constituency. Is not Mr. Narasimham representing a Labour constituency?"

MR. SPEAKER:—"Yes, he is a member for Labour."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I have already said that all the issues arising out of it have been taken up and the matter is under correspondence. We will not be helping the solution by discussing it now."

SRI P. R. K. SARMA:—"May I know whether the Agent of the Madras and Southern Mahratta Railway or the Railway Board has given any definite assurance to the Premier regarding the reinstatement of Sri V. V. Narasimham?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I have already said that they have discharged him from service and we have taken up the question with the Government of India and the matter is under correspondence."

SRI N. G. RAMASWAMI NAYUDU:—"சட்ட சபை அங்கத்தினர் நிலைமை இந்த மாதிரி இருந்தால் மற்ற சாதாரண தொழிலாளர் நிலைமை எப்படி இருக்கும் என்பதை கவர்ன்மென்டார் தெரிந்துகொண்டு உரிமை களைக் காப்பாற்ற சட்டமியற்றுவார்களா?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"நான் சர்மா அவர் களுக்கு வேண்டிய விஷயங்களை எல்லாம் சொல்லியாய் விட்டது."

SRI D. V. RAMASWAMI:—"May I request the Hon. Minister to consider if it is not time to send a reminder to the Government of India, as it is a long time since the representation was made?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"There is no question of reminder, because we have had many letters passing to and fro in the interval."

SRI N. G. RAMASWAMI NAYUDU:—"இந்த நெருக்கடியான சந்தர்ப்பத்தில் தொழிலாளர்களுக்கு ஏதாவது கவர்ன்மென்டார் சட்டம் செய்வார்களா என்று கேட்கிறேன்."

MR. SPEAKER:—"Does the hon. Member put a supplementary question?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"It is a request to the Government."

THE HON. SRI C. RAJAGOPALACHARIAR:—"He is now asking again in a different form whether the Government will undertake legislation. That depends on the conclusion of this correspondence."

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

II.—THE REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE.

MR. SPEAKER:—“ The debate on the Report of the Madras Estate Land Act Committee will now be resumed. Mr. Abdul Hameed Khan will speak.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ Mr. Palat may now speak. I will come next.”

MR. SPEAKER:—“ Mr. Abdul Hameed Khan has been called.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ At your command, Sir. Mr. Speaker, I wish at the outset to congratulate both . . . ”

MR. SPEAKER:—“ I do not wish that it should be a question of recommendation from one member to another at all. The hon. Member having stood up to speak he was called by the Chair.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ There was no one else.”

MR. SPEAKER:—“ There were half a dozen members.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ I am sorry, Sir.

“ I wish at the outset to congratulate both the Hon. Mr. Prakasam and Mr. Viswanatham, my friend, on the great pains that both of them have taken to produce a voluminous report on this question. I must not only say that it is voluminous, but it is certainly an admirable report. I should like also to add the other members of the Committee to the congratulations that I have offered.

“ Apart from that, Sir, I must confess that I cannot claim to have made a thorough study of this particular subject, for, belonging as I do to a city, not knowing intimately the conditions in either the zamindari or the ryotwari tracts, I have just tried in my own humble way to understand the problem. I think that it would have been very much better if the House and the Government had considered the entire tenancy problem of the Province at the same time. Very many obligations arise on account of our having decided to consider only one part of the tenancy problem, viz., the question of the conditions in which the zamindari ryots are placed to-day. For, we all know that it is not only the zamindari ryot who has any grievance, but also the ryots in the ryotwari areas have grievances. They have also been agitating for a very long time, and members of the Legislative Council in the past have been calling upon the Government to tackle this question uniformly and adumbrate a land revenue policy so that there can be

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uniformity of treatment throughout and there can be no grievance and no heartburning. The Government in the past were not responsible to the members of the Legislature. It would have been very much better if this Government had made up their mind to adumbrate a land revenue policy before tackling one part of the problem so far as the tenancy in the Province is concerned. A Parliamentary Committee having been constituted and that Committee having presented its Report, I believe I would not be far wrong in thinking that what we have been called upon to review or to suggest legislation for is not the conditions that obtained in the year 1802 or 1899 or 1908, but the grievances of the ryot at the present moment so that legislation could be brought forward in order to remedy them.

“ Having taken up a big question of the judicial rights of the tenant in relation to the landholders or the zamindars themselves, we have made the question so difficult that it seems to me very very difficult to find a solution. My Hon. Friend, Mr. Prakasam, the Revenue Minister, in his speech said that neither the Report nor the legislation that has been suggested is either revolutionary or socialistic in its outlook. Well, I accept that assurance from the Hon. the Revenue Minister, but I must say, Sir, that he cannot deny that on the Congress party in this Province and elsewhere there is always the influence of the left-wing exerted from time to time, and that it has willy-nilly come under the influence of such opinion that is held in a section of the Congress to-day. Whether they themselves are or are not coming forward here to give a socialistic colour to their tenancy legislation, all the same they are influenced by the left-wing in the Congress. I am afraid that from the way in which this question has been tackled, that colour is there. Otherwise, even though an honest attempt is made within the four corners of the Government of India Act, they could not have suggested such a revolutionary change without regard to the difficulties and complications that will arise and will have to be actually gone through when they have to go back to the conditions in the year 1802.

“ I do not think I should traverse the ground that has been covered by the hon. Members who have spoken before me on this question. I must state, Sir, that the question at issue is not the fact, who was the owner of the soil, whether the zamindar or the ryot, in 1802, who was the owner of the soil prior to 1802 and who is the owner of the soil to-day in the year 1939. It seems to me to be a question beside the point as it will not help us in coming to a practical decision in this matter. The question to-day is: what are the rights that are enjoyed by the zamindars on the one hand and by the ryots on the other? We have to, whether we will or not, accept the situation as it stands to-day and then suggest

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what remedies we ought to give to the ryots and to the zamindars to the extent to which they need such remedies, in order to see that things are brought to such a state that an orderly system is made in the relationship between the zamindars and the tenants so that the tenant's position will be improved, or at least brought on the same lines as that enjoyed by the ryotwari tenants.

3-45 p.m. "So far as the question of Permanent Settlement is concerned, hon. Members who have spoken before me have dealt with the subject very elaborately. So far as I was able to hear, I do not think that any one side argued the case better than the other. It seems to me that on both sides arguments were marshalled in an equally strong manner. Therefore, I do not think that any one side has been able to establish once and for all that this case was right and the other was wrong. Therefore, such being the case, I do not think that we can accept the recommendation of the majority report that along with the introduction of the Permanent Settlement, the rent was equally, definitely and unalterably fixed. We have known that from the year 1802 up to date not only has there been litigation in abundance, but there have been decisions in almost in every case in favour of the zamindar—thanks to the able advocacy of the legal luminaries of our Province. From that year up to date, they have been very largely responsible to get the rights of the zamindars recognized. We must all be thankful to them for the help they have given the zamindars, rather than to the tenants, who according to the Report of the majority have paid more revenue than what they really should have paid. There have been litigations from the year 1802 up to date. There have been decisions of the High Court, and decisions of the Privy Council, all very worthy decisions. I do not think that we can brush aside all those decisions summarily and say that they were all wrong and that the Report of the majority of the Committee is right.

"As I have said earlier in my speech, it is impracticable to come to any decision with regard to the question of rates that were prevalent in the year 1801 or 1802. It will be an impossible task; it will be a Herculean task, and it will be unnecessary for us to go back to such a large number of years and find out what the rates were at that time. If we are anxious and the Government are anxious to do justice to the tenants and if they believe that the tenants have been wronged in the past for a long time, the Government can, instead of depending upon what the rates were in the year 1802 or prior to it, if they are courageous enough, reduce the existing rates further, if they think that the tenants deserve such a consideration. I do not think that the Government of India Act or the Instrument of Instructions stand in the way of the Government's reducing the rate of assessment to the necessary extent. But what stands in the way of the Government, according to the

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Government of India Act, is their trying to confiscate the zamindaris without paying them adequate compensation. If the Government do not want to liquidate the zamindaris and if they went to prescribe fair and equitable rates of rent from the present day standpoint, they can do so without any difficulty. And it would be very much better if they take steps to order another enquiry and find out what are fair and equitable rents at the present moment, taking the conditions as they are in the zamindari areas, as well as the ryotwari areas throughout the Province. If they take the conditions that are prevalent all over the Province and fix a rate of rent, it should be considered as fair and equitable. Instead of doing that, there is no purpose in going to ancient history and trying to make things more complicated. As my hon. Friend, Mr. T. T. Krishnamachari, pointed out yesterday, that having regard to what the Committee has stated in clause 16 (1) (iv) in the draft Bill which they have proposed, viz.

'that having regard to the distance of time since the date of the Permanent Settlement and the trouble that might be involved in the attempt that may be made to fix the varying rates on the various lands when the assessment was lower than the rate fixed on the cultivated land, and considering it desirable for the sake of convenience and saving of time that the rates of assessment fixed in perpetuity on wet lands at the time of the Permanent Settlement might be taken as a uniform rate, etc.,'

I would submit that the Government have given away their case. That shows that the Committee itself has found the question so very difficult and impossible to be tackled. That shows that it is not in a position to say in what manner it is going to find out what the rates were in 1801 and how they are to be fixed at the present time.

"In this connexion I may say that some hon. Members have given notices of amendments for the appointment of a judicial tribunal consisting of some High Court Judges and other persons who would be proper authorities on the subject to examine this question impartially and come to a decision. But I believe that, as this House has constituted a Committee and that Committee has presented its Report, it would be better if the Government examine this question further with the assistance of their own Secretary and place their report once again before this House in the light of that enquiry. The question is one of economic grievances of the ryots and not one of legal difficulty. So all the economic difficulties that we hear could be gone into by the Government and their Secretary as I have said above, and I do not think that any judicial enquiry is necessary. I think that in the light of the Report that has been presented just now, in the light of the remarks that have been offered on that Report by hon. Members of this House, and also in the light of any further enquiry that may be made by the Government with the assistance of their Secretary, the Government can come forward with a Bill to redress the grievances of the tenants

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in the zamindari areas. They can hold a survey and resettle in a scientific manner and fix a rate on a fair and equitable basis.

"We must remember that the ultimate effect, if we accept the recommendations of the majority, will be that there will be agitation all over the Province. Sir, this is a very serious matter. We know that side by side with the zamindari tenants there are ryotwari tenants. If the Bill as proposed by the Committee is accepted and passed into law, and if the rate of rent of a zamindari tenant is reduced, say by 25 per cent, whereas, if the rate of rent that is paid by a ryotwari tenant is left where it is without being reduced, then such a great disparity will not be allowed to continue for a long time. Already the ryotwari ryot is agitating with regard to his own grievances, and this will give him a handle to agitate more and more; it will be impossible for the Government to resist his demand for reduction and they will have to bring down the ryotwari rate to the level of the zamindari rate. That would mean that the Government will lose its revenue to a very large extent. Already the finances of the Government are in a very precarious condition. As a result of the introduction of Prohibition in various districts and as a result of many other proposals of the Government, we are losing our revenues to a very large extent and if this also is added, what will happen is that our land revenue which is 9 or 10 crores and which is the main-stay of the Government will considerably fall down. Whether the Government are in a position to accept such a position or not, I do not think the Finance Minister will allow such a state of affairs to come to pass.

"So far as the amendment of my hon. Friend, Mr. Mahboob Ali Baig, is concerned, he suggests that, if the Government are not prepared at the present moment to liquidate the zamindaris by paying adequate compensation to them, the settlement of land revenue in the zamindari and other proprietary estates be made immediately on the basis of ryotwari settlement principles. Well, Sir, as I have already said, it is much better to tackle this question of tenancy in this Province in a uniform manner throughout the Province, without undertaking legislation piece-meal, because the adverse effect of such a legislation, as I have already said, will be disastrous to the finances of the Province.

p.m. "I will conclude by asking the Government not to precipitate this matter but to allow the parties concerned to bring about some compromise on this question. I am sure, Sir, if the representatives of the zamindars are called upon to express their opinion, knowing as they do that they owe a duty to their tenantry, and realizing as they ought to do that public opinion in the country is not the same as it used to be and that the tenants are not only vocal but also understand their rights much better than they used

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to do, the zamindars will not find it possible not to agree to a reasonable compromise and bring about a settlement on this question. They would certainly be following a suicidal policy if they did not agree to a working arrangement on this question. I therefore hope that the Hon. the Revenue Minister will try to bring about an understanding on this question. He promised to us on the first day that he was prepared to accept any method which will result in a satisfactory solution of this problem. I therefore hope that the Hon. the Revenue Minister, anxious as he is to do his best for the tenant, will see that a solution is arrived at which will be satisfactory to all concerned."

III.—SWEARING IN OF A MEMBER.

MR. WILLIAM GRANT was sworn in.

II.—THE REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE—cont.

* SRI R. M. PALAT:—"Mr. Speaker, it seems to me unfortunate that the Hon. the Revenue Minister should have had to go to the Code of Manu for his authority, for, Sir, that is a Code of privileges according to which a Brahman can never be executed and a Brahman can hardly ever do any wrong. In these days of communal tension I should say that this Code should be suppressed and not taken serious note of. It has only an antiquarian interest so far as we are concerned. However, so far as I am concerned, Sir, the question of the ownership of the soil has been finally settled by the decision of the Privy Council which has been quoted already by some hon. Members. The highest sovereign authority in India is the British Parliament and the highest authority for the interpretation of the law of the land is the Privy Council. When we have a decision of the Privy Council to the effect that the ownership of the soil is definitely vested in the zamindar, it seems to me that the matter is finally settled once for all.

"Sir, I will now proceed to deal with the general aspects of the case. I myself have no personal experience of the zamindari system as this system is not prevalent in our parts. From parts of the Report which I have read and from such speeches as I have followed—some of them have been in Telugu, a language which I cannot understand—the main complaint of the representatives of the tenants seems to be that the zamindar is taking too much money from the tenant. Well, Sir, the tenant is doing exactly the same thing from the under-tenant below him and everybody in this country is doing the same to the greatest extent he can. Such being the case, I do not see why the zamindar alone should be victimized for doing exactly the same thing that everybody else is doing. Further the ryot has all along been protected in his rights by the State but not the under-tenant. From what I have

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are rich people. I was told that in the Pithapuram zamindari there are quite a few people who are richer than the zamindar himself, although the Pithapuram zamindari is considered to be one of the richest.

“ Again, Sir, no case has been made out to treat the zamindari ryots on a different footing from the Government ryots. There has been no complaint whatsoever, so far as I know from any of the zamindaris in the southern districts. Is the zamindari ryot in a worse position than the ryot under the Government? Has it been proved definitely? If it has not been proved, there is no meaning in taking his question alone. We should take up the question of all the ryots in a comprehensive manner. The Hon. the Revenue Minister stated that the ownership of the soil is vested in the ryot. I ask him, Sir, is he going to accept that principle in the case of the ryotwari pattadars also? Is that pattadar going to have the mineral rights, the rights to the forests and so on? Is the Hon. Minister going to go back to the days of Manu and will he accept one-sixth of the gross produce as the Government's dues? If that is so, Sir, so far as the ryotwari pattadar is concerned, we would be most happy.

“ Then, Sir, many of the tenants I am told—I have no personal knowledge of the matter—are only purchasers from the original owners. They purchased the holdings with full knowledge of the limitations to which they were subject as the law then stood. Therefore, Sir, it is not reasonable to confer this sudden gift on these people who had purchased the lands under definite conditions.

“ Sir, I spoke of the issue of irredeemable Government bonds. I want to point out that that principle has already been accepted by the Government. If the Government say that the zamindars are mere rent collectors, then they are merely servants of the Government. We have seen that servants of the Government are allowed to commute their pension, and similarly the zamindars may be allowed to capitalize their compensation. There is again no reason, Sir, why the inams and mirasis should be exempted.

" Sir, I do not want to take up more of the time of the House and go into these questions in detail. I have been as brief as I can. I could have gone into these and other questions at greater length, but as some more hon. Members are waiting to give out their views on this Report, I stop here."

* SRI G. RANGIAH NAYUDU :—“ ఆధ్యక్ష పూజకయ్యా, నేను నా మిత్రులు కళా వెంకట్రావుగారు రూపొందించిన తీర్మానము అనగా సవరణ తీర్మానమును బలపరచుటకు వచ్చినాను. ఆ తీర్మానము మిక్కిలి సులభమైనది. చాలా చిన్నది. ఉత్తమమైనది. ప్రాముఖ్యమైనది. దాని సందర్భము ఏకగ్రీవముగా ఆమోదించుట చాలా సమంజసమైన విషయము. ఆ తీర్మానమునెక్కి, దాని సమసరించి చిత్తు బట్టము పెట్టినే తయారుచేయబడి ఈ కాసన సభయందు ప్రవేశపెట్టుబడి అది నెక్కి దేశముందు

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శ్వాపింశ జేయబడినప్పుడు మన దేశములోని ప్రజలలో నూటికి 90 మందికి ఉపకారము జరుగగలదు. దీనిని ప్రతిఘటించిన జమీందార్లును, వారి సహచరులను, వారి సలహాదార్లును కూడా వారియొక్క ప్రతిఘటనల నుపసంహరించుకొని ఈ తీర్మానము నామోదించవలెనని కోరుచున్నాను.

“ఈ చట్టము నిర్వహించబడినయడల ముందుగా జమీందార్లకే సుఖము. రైతుల కంటే కూడా జమీందార్లకే సుఖము. జమీందార్లు ఎల్లప్పుడును రైతులతో కలహములు పెట్టుకొని నిమిష క్రిమిసలు కోర్టులకొక్కడూ వారి ధనమునంతను దుర్వ్యయము చేసుకొని, అపరాధాత్ములు నిద్రాహారములు లేక తపించుచున్నారు. ఈ చట్టము నెరవేరినయడల జమీందార్లకే కష్టములును లేక సుఖించగలరు. రైతు బిడ్డలు సుఖింపగలరు. జమీందార్లకు వచ్చు ఆదాయమును వేరీల లేకుండా పన్నులు చేసుకొని వారికి కావలసిన భోగముల ననుభవించుచు వారి మేడలలోను మిడ్డలలోను నిర్విచారముగా నిద్రింపవచ్చును. ఏలే రైతులకు మాత్రము పరిపూర్ణ లాభము లేదందువాయని ప్రశ్నింపవచ్చును. రైతులకు పరిపూర్ణమైన లాభము జమీందారి పద్ధతి పూర్వముగా పోయినప్పుడే కలుగును. అంతవరకు రైతులకు పరిపూర్ణ లాభములేదు. జమీందార్లున్నంత కాలము వారికే సుఖముకూడా లేదు. జమీందార్లు విష సర్పములవంటివారు. సర్పము తన యజమానునివద్దనున్నను ఎప్పుడో ఒకప్పుడు వానిని కరచక మానదు.”

MR. SPEAKER:—“It is not quite parliamentary to use the words like vishsarpamu. The hon. Member may withdraw it.”

*SRI G. RANGIAH NAYUDU:—“వాదను తిసుకొంటానండి. ఆ మాట అనుటవల్ల వేరు భావములేవండి. దొర్లన్నమన్నమాట. జమీందారి ఎన్నేటలో గల రైతులకుండే కష్టములు జమీందార్లకేమీ తెలియును? వారి సహచరులకేమీ తెలియును? వారి వాకిల్లకేమీ తెలియును? వారి ప్రాత్యాహతులకేమీ తెలియును? వారి కష్టములు రైతు బిడ్డకు మాత్రమే తెలియును. నాగలిపట్టి భూమి దున్ని సరిగా తిండియైన తినక నిద్రపోకుండా భూమిని నేవ్యముచేసిన రైతుకే ఆ కష్టములు తెలియును. ‘నవంభ్యానిజానాతి! గుర్వీప్రపవవేదనాం’ బిడ్డలను కన్నతరువాత పెండుటలోను కనుటలోను గల కష్టసుఖములు బిడ్డలు కన్నపుణ్యవతికే తెలియునుగాని గొడ్డురాలి కేమీ తెలియును? నేవ్యముచేయు రైతుకు తెలియునుగాని మేడలలో సుఖించు జమీందార్లకేమీ తెలియును? రైతుల కష్టములను నిరూపించుటకు నావద్ద పెద్దపట్టియున్నది. 1908 చట్టము తరువాత జమీందారి ఎన్నేట్లోని రైతుల కష్టములు, అంతకుముందున్న పరిస్థితులు, ఈ విషయములన్నీ మాట్లాడవలెనన్న గంటనేపు మాట్లాడవచ్చును. ఈ మాయ వారి చట్టము 1908 వ సం॥ చట్టము ప్రవేశపెట్టవలెనని ఆంధోళక జరిగినప్పుడు ఈ జమీందార్లు రైతులయొక్క భూములను, తోటలను, దొడ్లను, అరణ్యములను, బలవంతముచేసియు, పీడించియు, బెడరించియు వారి స్వాధీనముచేసుకొని బిల్లు ఆమలులోనికి వచ్చుకాలమునకు రైతుకేమియు లేకుండా దొర్లన్నముచేసి జమీందార్లు ఆక్రమించుకొనిరి. గ్రామములలోగల అరణ్యములు మావన్నారు. భూములు మావన్నారు. గ్రామములు మావన్నారు. వారు నడిచేదారులు మావన్నారు. ప్రజలు తమ నేపకులన్నారు. వారి కనుమాలముగా సంపదించినవారిని వీధులలో దూషించియు పశువులకొడ్లలోపెట్టి బాధించియు అనేకవిధముల హింసింప మొదలిడినారు. అరణ్యములు స్వాధీనపరుచుకొని అందుండి కంపకలత కెచ్చుకొనుటకు వీలులేదనియు, వారి పశువులు అరణ్యములకు

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పోయి మేయటకు వీలులేదనియు నిర్బంధించినారు. ఈ శాసనమునకు పూర్వము రైతులకు పై హక్కులు గలవు. ఈ శాసనములుజరిపిన తరువాత అడవులపై పుల్లరి విధించి, అది తినుకొనియైనను తమకీష్టమువచ్చినవారిని తప్ప మిగిలినవారిని పోసీయక నిర్బంధించుచున్నారు. వారికి విరోధులగు రైతులయెడ ఈ అరణ్యముక ఆయుధము. రైతులకు అరణ్యములపై స్వాతంత్ర్యములేకుండా వాటిపై అధికారమువహించి రైతులను పీడించినారు.

“ఇది ఇట్లుండగా జిల్లా బోర్డు యెన్నికలలోను, తాలూకా బోర్డు యెన్నికలలోను, పంచాయతీ బోర్డు యెన్నికలలోను ఈ ఆయుధమునే యుపయోగించి వోట్లన్నియు వారే వేయించుకొనిరి. వారికి వోట్లన్నివారిని అరణ్యములకు పోయి పుల్లలు తెచ్చుకొనుటకుగాని, వారి పశువులను మేపుకొనుటకుగాని వీలులేకుండా వారి పశువులను దొడ్లలో పెట్టి బాధించెడివారు.

“వోటునేది మానవుని హక్కు. వోటు ఎవరికికలదో వారి కది బిడ్డలాటిది. అట్టి హక్కును వారు స్వయముగా తమ బుద్ధి నుపయోగించి ఎవరి కియవలెనన్న వారికిచ్చుటకు వారికి సంపూర్ణమైన హక్కుగలదు. జమీందారి ఎన్నేటులో గల రైతుకు మాత్రమే స్వాతంత్ర్యము లేదు. జమీందార్లు వారిని గొట్టెలవలెను, శుకలవలెను పోలింగు నేపనుకు తోలుకొనిపోయి అవట నిలువబెట్టి చదువగలిగినవారిని వ్రాయగలిగినవారిని కూడా నాకు చేదుభ్రూదాదనిపించి మంచి దృష్టిగలవారిని గృహిణులనిపించి వోటు ఎవరికి వేస్తావని అడిగి వారిని బెడరించి వారి వోటితో వెప్పించెదరు. వారి ఇష్టమువచ్చిన వారికి వోటిచ్చుటకు స్వాతంత్ర్యము లేకుండా నిర్బంధించెదరు. పూర్వము జమీందార్లకు స్వంత కమతములు లేవు. 1802 లో పర్మనెంటు సెటిలెంటునాటికి జమీందార్లకు స్వంత కమతములు లేవు. చట్టము ప్రకారము, న్యాయశాస్త్రము ప్రకారము భూములను, గ్రామములను రైతుల స్వాధీనమందే యుండెడివి. వారి భూములను వారికి వ్రుంపకుండా అనేకవిధములైన ఉపాయములచేత వారు స్వంత కమతములు నిర్మించుకొని రైతులను బాధించుచున్నారు. ఈ స్వంత కమతములవల్ల నిజముగా జమీందారుకు లాభమేలేదు. ప్రజల నేవిధముగానయినా బాధించి, హింసించి తమ స్వాధీనమందుచుకొని వారి వోట్లన్నియు వేయించుకొనుటకును, వారిచేత అనేకవిధములైన పెట్టివాకిరీలు చేయించుకొనుటకు స్వంత కమతములు నిర్మించుకొనిరి. జమీందారు కొకయూరిలో స్వంత కమతమున్నట్టుయిలే అక్కడండే కూలివారందరు ముందుగా జమీందారుగారి భూమిని ఊడ్చుటకు కూలికి పోవలెను. వీరి భూమి సాగయ్యేవరకు కూలివాళ్లు రైతులకు వారకరు. జలాశయములలో నీళ్లు ముందుగా జమీందారుగారి భూమికి పోయేవరకు రైతులు తమ పొలములకు నీరు పెట్టుకొనకూడదు. కోతలు, నూర్పులు అయ్యేవరకు రైతులుగాని, కూలిలుగాని వారివారి పనులను మానుకొని జమీందారుగారి పొలములో పడియుండవలెను. ఇందువల్ల రైతుల పొలములకు సకాలములో నీరు దొరకకపోవుట, కూలిలు దొరకకుండుట, కోతలు వగైరా చేసుకొనుటకు వీలులేకుండుట మొదలైన అనేక యిబ్బందులు పడుచున్నారు. ఎవరైనా ధైర్యముచేసి ‘మా పొలములకు నీరు పెట్టుకొనుట ఎట్లా, మా చేను కోసుకోవద్దా, మా భూమికి మరామత్తుచేసుకోవద్దా’ అని అడిగితే వారిని దూషించి ఒక్కొక్కప్పుడు కొట్టడముకూడా కద్దు. కూలివానికి రైతు రోజుకు రీ మానికల ధాన్యమిస్తే, జమీందారు ఒక గొట్టమిచ్చును. గొట్టమనగా మానిక. అదైనా పిచ్చది. ఈ మానెడు

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గింజలకు కూలివాడు పోయిరివలెను. రైతులు జమీందారు ఖామి దుక్కి దున్నునది మొదలు కోతలకొని కుప్పలు నూర్చువరకు సహాయపడవలెను. గంజలనూడెం ఎన్నే టులూ కుటుంబమునకు 200 యకరముల ఖామియన్నది. అచ్చట జమీందారు రైతులను వెళ్ళే కష్టములకన్నటికి యిచ్చట చాఖలాలున్నవి. మీర్జాపురం జమీందారుగారు మొదలుగానే కూర్చునియున్నారు. గుండెమీద చేయివైచుకొని జమీందారీ రైతులకు నిజముగా కష్టములులేవని వారిని చెప్పమనండి. ఈ రిపోర్టు తయారుచేసినవారు ప్రతి యెన్నే టులూను సంచారము చేసి రైతుల కష్టసుఖములను కల్లార గమనించినారు. నేను అనేక యెన్నేటల్లలో సంచారముచేసి అనేక రైతు సభలలో అభ్యర్థతపపించి రైతుల కష్టములన్నీ చూచి అచ్చటి పరిస్థితులను చెప్పుచున్నాను. ఈ జమీందార్ల తరపున మాట్లాడే వారిని రైతులకేమియు కష్టములులేవని చెప్పమనండి.

“ఈ కమిటీని నిర్మించమని రైతులడిగినారా” యని మీర్జాపురం జమీందారు గారు అడిగినారు. వారి ఉపన్యాసములలో వ్రాసినారు. ఆ దీర్ఘమైన ఉపన్యాసమున రిచేత వ్రాయించిరో కాని చాలా కష్టపడి చదివినారు పాపము! రైతులడిగినారో లేదో దేశములోనికిపోయి అడగమనండి. రిఫరండము యివ్వమనండి. ఎవరైనా సరే మీర్జాపురం జమీందారుగారుగాని వారికక్షమువారుగాని దేశములో సంచారముచేసి రైతులందరిని అడిగి తెలుసుకోమనండి, రైతు అట్లా చెపుతాడేమో!

“ఈ రిపోర్టు చాలా బాగున్నది. దీనినందరును పూర్తిగా ఆలోచించవలెను. దీనిని నేను చాలావరకు చదివినాను. ఈ శిస్తులనుగురించి మాట్లాడవలెనన్న మాట గంటలు మాట్లాడవచ్చును. దీనిపై మహమ్మద్ ఆలీ జేగ్ గారు, రంగపామయ్యంగారు, నారాయణస్వామి నాయుడుగారు, మీర్జాపురం జమీందారుగారు తమ అభిప్రాయములనిచ్చినారు. ఆలీ జేగ్ గారి మినిష్ట్రు చదువుచున్నప్పుడు నాకు కాస్త అనుకూలముగా కాన్పించినది. ఆయన చాలా బాగుగా ఆలోచించి దానిని వ్రాసినారు. శిస్తుల నిర్ణయము విషయము కొంచెము విగుళగా జోధించారు గాని మిగిలిన అన్ని విషయములను వారు వప్పుకున్నారు. ఇతరుల మినిస్ట్రు హిందూస్థానీ కిబ్బీదీవర యన్నది. జమీందారుగారి మినిష్ట్ర జమీందారీ మినిష్ట్ర వలెనే యున్నది. అది కేవలము నిష్పక్షపాతమైన మినిస్ట్రుకాదు. వారి స్వార్థము నే వద్దతులతో పాధించుకొనవలెనో చూచుకొని దాని కనుగుణముగానే వారి మినిస్ట్రు వ్రాసుకొనిరి. 1802 వ సం॥ 25 వ రెగ్యులేషన్ 25 నెంటు నెంటు మెంటు 2 వ సెక్షనును వారు వప్పుకున్నారు. ఆ సెక్షనులో ‘The proprietary right of the soil was to become vested in the zamindars or other proprietors of land and in their heirs or lawful successors for ever.’ అని యున్నది. పాపము! దానికి వారు అపార్థమును తీసుకొన్నారు. Proprietorship of the soil అంటే ఏమని అర్థము చేసుకొన్నారంటే వారి హక్కు ఖామిలోవల అనుకొన్నారు. ఖామిలోవల, ఖామిపైన అంటే ఖామిపై కురిసే వర్షము, వర్షానికి అధారభూతమైన మేఘాలు ఇవన్నీ కూడా వారి హక్కు అనుకొన్నారు. అక్కడ అర్థమదికాదు. ఆ ఖామిమీదపండి పంటలమీద పన్ను వేయుటగాని పంటలు ఆకాశము మీద పండవు. వారి యిష్టమువచ్చిన అర్థములు తీసుకొనవలెను.”

MR. SPEAKER:—“మీ రిప్పటికప్పుడే 20 నిమిషములునుండి మాట్లాడుతున్నారు. ఇట్లా మాట్లాడినచో అందరూ చూడేసి గంటలు మాట్లాడవచ్చును. మీరు ముగించాలి.”

• 26th January 1939]

*SRI G. RANGAYYA NAYUDU :—“జమీందారు ఖామిలో పండిన కంటలపై రైతు వెల్లింపు శిస్తులు వసూలుచేయుటకు వాధ్యుడుగాని Proprietary right అంటే ఖామిమీద హక్కునియు, ఖామి తనదేననియు అర్థముచేసుకొనవలెను. వకీలుకుమాడా తెలియని అర్థములను వీరుకల్పించుచున్నారని నా యుద్దేశ్యము. రైతుల హక్కులనుగూర్చి పట్టా రెగ్యులేషన్ 7 మొదలు 11 వరకుగల శెక్షనులలో నిర్వచించబడి యున్నది. రైతులకు పూర్తిమైన హక్కులివ్వబడినచో దేశము స్వర్ణలోకములగును. దేశమంతయు బాగుండవలెనన్న రైతుకు ఖామిపై పూర్తిగా హక్కుండవలెను. అందరును దేశము అర్థికముగా బాగుండవలెనని కోరవలెను. ఈ జమీందార్లు, ప్రభుత్వోద్యోగి గులు, పాపకార్లు, రైతులు, కాల్కికులు అందరును సుఖించవలెనని మనమంగరమును కోరినట్లేన రైతులకు ఖామిపై హక్కుకలుగునట్లు చూడవలెను. ఆనగా యీ రిపోర్టు వ్యాసుచేయించవలెను. నూటికి 95 మందిభన్న రైతులు బాగుంటేనే జమీందార్లు, ప్రభుత్వోద్యోగిగులు, పాపకార్లు బాగుండి వారి జీవితాలు గడువగలవు. ఈ సంగతి రైతుల డబ్బింతయు బలవంతముగా గుంజుకొని హాయిగా కాలము గడుపుచున్న యీ జమీందార్లకు ఉద్యోగులకు రైతుల కష్టములెట్లు తెలియును? ఈ సందర్భములో ఒక కవీశ్వరు డొకపద్యముచెప్పినాడు.

ఉ॥ బాగుగ జీతబల్తెముల బట్టుచు | హాయిగనుండునట్టి యు |
దోగ్గులకెన్నడైన మదిదోచునె | కన్నకులాండు కష్టముల |
నాగనివారవైచి ఇది నాపనిగాదని రైతుబల్కుచో |
నేగతి వీరి పొట్టులకు నీవిగనూడు లభించునోగా |

“మూటు, సూటు, hat ధరించి కార్లపై పికార్లుకొట్టుచు సర్వ విధములైన సౌఖ్యములనుభవించువారికి రైతుల కష్టములేమి తెలియును? రైతు ఖామిని నేడ్యముచేయనని నాగలిగిట్టక వారవైచిన రోజున ఈ జమీందార్లకు, యావోగ్గములకు, తిండి ఎట్లు దొరకును?”

“కావున నేను అందరికిని, అక్కడ జమీందార్లకును, వారి సహచరులకును, కాంగ్రెసు సభ్యులకును చెప్పునదేమనగా, మీరందరును యేకగ్రీవముగా ప్రతిఘటన లేకుండా యీ రిపోర్టును ఆమోదించుచు యీ రిపోర్టులో వివరించిన ప్రకారము రైతులకు సర్వవిధముల సౌకర్యములుగలుగునట్లు చేయుటకు పరిస్థితులు గలిగించెదరని నన్ను ఇంతటితో విరమించుచున్నాను.”

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD :—
“Mr. Speaker, coming as I do at the close of the discussion of the Report by the non-official members of this House, I find that I am in a very happy position; probably I am the luckiest man here. I do not think I need speak very elaborately, particularly in view of the very useful discussion that has taken place in the House these three or four days. Sir, I deliberately say that the discussion in this House has been very useful; I say it not only on behalf of the ryots, but on behalf of the landholders as well.”

“Sir, the question of the relationship between the zamindar or the landholder or the old-time chieftain or whatever he was, who subsequently became the zamindar, who was first charged

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merely with the work of collecting the rent and subsequently got his position raised—between that class of persons and the class of persons who till the soil, the relationship between these two classes has always been a matter of anxious consideration for those connected with the administration of the country during the last 150 years. I do not want to refer to the attempts at regulating this relationship between these two classes of people before this particular period; for, I think it will be a big job for us even to confine ourselves to this period of about fourteen decades or about a century and a half. But one thing I should say, that during all this period of a century and a half, there has always been sympathy in favour of the ryot, and that is why we see several attempts—some of them no doubt abortive—to give protection to the tiller of the soil. The reason why there had to be several attempts is that one piece of legislation or regulation which was thought of at a particular time to help the tiller of the soil, as conveying some advantage to him, did not actually reach him. That is the main reason which has been responsible for the various attempts made to settle this question of the relationship between the two classes. I definitely refer here to the intermediary, the bigger ryot. Sir, the ryot should not be here understood to be the real ryot who was expected to get some advantage. That is the most important thing which I want members of this House to remember; I implore members of the House to look back to the various attempts at legislation from that point of view. Even to-day, legislation by any Government for determining the relationship between the actual tiller of the soil and the ultimate proprietor of the soil—or for the matter of that person who has the sway or some sort of control over the tiller of the soil—will be a matter of great trouble for the Government of the day, who are influenced largely by persons who are called ryots, but who have got nothing to do with the plough. It is because, they are a vociferous group of people who call themselves ryots and have been responsible for creating public opinion and it is they that stand in the way of an actual solution of this problem.

“ Sir, several good speeches have been made on the floor of this House and persons like my hon. Friend Mr. Langley who could bring to bear a dispassionate view upon the question, have really helped the discussion very much; I do hope that such dispassionate views expressed on this important measure will weigh with the Government and will be considered by them when they actually take up this matter at any time in the future. Sir, I need not refer to the fine critical speech of my hon. Friend, Mr. T. T. Krishnamachariar, who I may say, has been a free critic of this Report which is before us, and he has in a large measure pointed out that the question of land reform must be dealt with in a more comprehensive manner than is sought to be done now. Sir, we

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have had the benefit of hearing experienced men like my hon. Friends Diwan Bahadur Appadurai Pillai and Mr. Bower who have really helped us with their actual experience in the administration of the department which they have served so well; and I think from the way in which they have put forth the difficulties, their speeches are a good answer to the able advocacy with which the Hon. the Revenue Minister put forward his case so eloquently and so well in the first two days of the debate. My own impression is that, in view of the discussion that has taken place and the clear exposition of the rights of the zamindar and the needs of the ryots by some of the members, much good will really come; my only hope is that greater good will come out of this discussion in the coming months.

“ Sir, when we appointed this Committee, we hardly realized that this eighteen-volume document will be placed before us and that the discussion on this big Report will take this shape. I can quite imagine now that we are not now discussing a Report, but that we are practically discussing a Bill introduced by the Government. I would have been very glad, Sir, and the country would have been very glad, if the discussion of an important measure like this was conducted in the atmosphere of a mere report. Though technically it is a report, to some of us it looks as if we are practically dealing with a Bill. I sincerely hope that the discussion in this House and particularly the opposite viewpoint that has been put forth, will be taken serious note of by the Government, and that any pre-determined impressions will be erased, and that the whole matter will be considered once again. I would sum up my remarks on this point in this way. Two cases have been put forward for the benefit of this House and for the benefit of the country. Now, what remains to be done is that these two cases that have been put forward should be considered and closely scrutinized in the immediate future. That is my earnest appeal through you, Sir, to the Government—that the Committee's recommendations as well as the discussions thereon in this House, and the case put forward by the landholders and the various opinions expressed by the public in regard to this matter, should be given very careful consideration by an impartial body of persons in whom the Government and the public may both have confidence. They may come to certain conclusions—in regard to which there may or may not be difference of opinion—and then it will be time for the Government to come forward with legislation before this House, and then only will be the proper time for us to consider measures of an ameliorative character so far as the ryots are concerned.

“ Sir, I shall not go into any great details of the various portions of the Report, as they have all been already dealt with by many hon. Members; but, with your permission, Sir, I shall

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4-45 p.m. refer to certain aspects of the Bill. Before doing so, however, I think I should certainly say a good word about the labours of the Chairman and the Members of the Committee in having brought forth a very elaborate report, which has certainly helped the country to know the case fully. Sir, it is sad to note that many of the recommendations based on the conclusions arrived at by the majority of the members of the Committee are not satisfactory from the point of view of one of the important interests concerned. The Minute of Dissent by my hon. Friend, the Zamindar of Mirzapuram, who so ably espoused the cause of the landholders in this House and in the Committee reveals fundamental differences. The feeling of the landholders, after the publication of the Report is that if these proposals should become a *fait accompli*, it will mean the destruction of their class as a whole. I do not think it should be the intention of this House, or even that it is the intention of the ryot. It is not that the landholders have taken up an unreasonable attitude or that they want to cling hard to their rights without recognizing the necessity for an adjustment. On the other hand the landholders have made it clear that they are second to no one in their zeal for the economic uplift of the Province. They openly aver that they are ready to make sacrifices. That being so, the case of the landholders has to be sympathetically dealt with; that is my plea through you, Sir. They are in a minority and our responsibility therefore is greater, as has been very rightly pointed out by the hon. Member representing the Anglo-Indian constituency in this House, Mr. Bower. Sir, the Report, the landholders urge, seeks to deprive them without compensation of their legitimate rights to property solemnly guaranteed to them by the State at the time of the Permanent Settlement. They point out that their rights and privileges have received recognition and affirmation during all these 136 years following the Settlement, of eminent Judges of the High Court, the Privy Council, learned lawyers and well-known jurists and administrators.

" Sir, an issue of fundamental importance in considering this Report which has been raised is the question of the proprietorship of the soil. The majority of the Committee has held that the ryot is the proprietor of the soil. The landholders, on the other hand, point out strong reasons that the conclusion arrived at by the majority of the Committee is opposed to the several declarations made by the Government at or about the time of the Permanent Settlement, and to the language of the various regulations promulgated in 1802. We have to concede that there is some force in the arguments put forward by the landholders. The Zamindar of Mirzapuram and other representatives of landholders in this House have very elaborately dealt with the question of the ownership of the soil and I therefore consider that

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I need not take up the time of the House and dwell at length on that question. However, Sir, it may be said that the recorded pronouncements of competent authorities, the instructions issued by the Government so far back as 1799 to the Board of Revenue in connexion with the preparation of the material for framing the Permanent Settlement, all tend to support the contention put forward by the landholders. Sir, though I am not a lawyer, I understand to some extent what is stated in 37 Madras, where the landholders urge that the object and policy of the Permanent Settlement were to place even the new zamindars to whom haveli lands have been parcelled out and distributed on the same footing as the ancient zamindars who held their estates for centuries, and constitute every one of them proprietors of their respective soil in the fullest sense of that expression, particularly because the Government were very anxious to impose certain liabilities and duties on these zamindars.

" Sir, on the question of the right of ownership of the soil, I think if I may make hon. Members of the House realize the existing rights of the ryots, they will easily think that it is absolutely unnecessary to debate on this question of the ownership of the soil. How do you find the ryot to-day? He is in *pucca* possession of the land; he has got full occupancy rights; fixation of tenure is guaranteed and nobody can remove him, thanks to all the legislation that has preceded and thanks to the Justice Party which had a large share in giving the ryot just rights. To-day, the position of the ryot is not as bad as it is depicted to be, I think, so far as his rights to title are concerned. I can understand if there are other difficulties that should be remedied. With regard to his rights to title and ownership it is no longer illusory and we shall not be improving his position an inch further by declaring in black and white, that he is the owner of the soil. I think I am right in saying that the present position that the ryot enjoys is something approximating to the position of a co-owner of land.

" I am glad to note here, Sir, that Mr. A. Rangaswami Ayyangar, a member of the Committee who agreed with most of the decisions of the Committee has said—but it does not require the pronouncement of Mr. Rangaswami Ayyangar or of any other person sitting here—that the actual condition of the ryot is that he is something like a co-owner of the land to-day with the zamindar. That being the case, what we should concern ourselves with is to better the lot of the ryot and see what are his other difficulties, particularly with regard to a fair and equitable rent; and that should be the important question which the House should address itself to and not the question of the right to title. In my humble opinion, I would say that the question of proprietorship of the soil is purely academic. From the practical point of view, the

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best method of tackling the problem is by devising ways and means that will ensure permanent harmony and goodwill between the landholders and the ryots. The landholders must be made to feel that all that they have been called upon to do is to make certain necessary sacrifices. They should not have the feeling that by submitting to the proposals made, they are agreeing to their total extinction. In this connexion, may I point out that Mr. Rangaswami Ayyangar says that whatever be the historical causes for creating the zamindari system, the system cannot be abolished without recognizing the valuable private rights the zamindars have now acquired in the course of over a century, not clandestinely, but by deliberate policy and solemn engagements with the previous Governments? He then considers that the only way to render justice is by the acquisition of the zamindars' rights by the Government on payment of compensation. That is a very important aspect of the question. There ought not to be expropriation of valuable rights without reasonable compensation. When I say 'compensation,' I would only add on this occasion that it is the paramount duty of the Legislature and the Government of the day, not to deprive anybody of valuable property, whether it be of the ryot, the middle-class man, trader, merchant, zamindar or landholder, without adequate compensation. I think it is a fair principle. For, to-day it may be the deprivation of the zamindar's right to compensation by this legislation; to-morrow it may be the deprivation of the rights of the mirasidars of the Tanjore district, which I think, is in store; and the day after it will be the deprivation of the rights of the inamdar or the kanamdar or some such thing; and again it may be the rights of the very ryots for whom so much is being said now—I mean particularly the big ryot who is having his right on the ryoti land is going to be deprived of his rights sooner or later without compensation. Sir, the principle of expropriation without compensation is a vital matter which should require very careful consideration at the hands of politicians and statesmen. I have no doubt that it will be given to the present Government not to carry out this kind of reform, but to carry out an equitable reform.

"Sir, another important conclusion arrived at by the majority of the members of the Committee is that there was permanent fixation of rent between the zamindar and the ryot in virtue of the Permanent Settlement. Certain State papers and Regulations of 1802 are relied upon to support the conclusion. But an examination of the several State papers also which preceded the Permanent Settlement in the two Provinces of Bengal and Madras would show that that is not the case. What was intended by the Permanent Settlement was merely to fix the peshkash payable by the zamindar to the Government. Prior to the Permanent Settlement, the amount they had to pay the Government by way of

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peshkash was subject to periodical revisions. The result was that the zamindars took little or no interest in their estates and there was neglect and the land was not improved. Another reason was that the Government of the time were not sure of the revenue. For both reasons, it was decided to fix a permanent obligation on the zamindars. Sir, at the same time they decided that any further augmentation of the revenue would be wholly the landholder's; they thought that otherwise the landlord would not improve the land. I think it was a very good reason in those days and we should not quarrel with what has taken place on account of such decision. But we should try to reform it by taking into consideration all the events that have occurred during these 136 years. That is the only plea which I make now.

"In this connexion it may be pointed out that in paragraph 11 of the Instructions issued by the Government to the Board of Revenue shortly before the Permanent Settlement of 1802, Lord Cornwallis has stated that reforms must begin there, thereby meaning that the zamindars' payment to Government must be fixed. That was the first reform.

"Sir, considerable stress is also laid in the majority Report on the provisions of the Patta Regulation. What the Patta Regulation attempted is stated in the Preamble itself. So long as the mode of dividing the produce of the land or of paying the cash rents which may be payable in respect of certain lands was left indefinite and was not reduced to writing, there was every chance of oppression if the zamindar was powerful and the ryot was uninfluential. They therefore thought it expedient that the zamindar should be compelled to enter into definite agreements in writing with ryots setting out what proportion of the produce should be delivered to him and what amounts should be paid in the case of those lands for which cash rents had to be paid. For these purposes several penalties were imposed on zamindars who refused and neglected their duties of exchanging pattas and muchilikas with their ryots. To borrow the language of the Preamble, the Regulation was passed in order to see that 'determined agreements were entered into.' The Government expected that if such agreements were entered into, 'the cultivators and under-tenants would have recourse to them for the prevention of disputes' and that the necessary protection would be afforded by the courts of the country against excessive demands by the zamindars in a manner inconsistent with the pattas and muchilikas exchanged between them and their ryots. Sir, it was thought that the position of the tenant would thereby be rendered sufficiently safe in those days. But if it is found necessary on further examination to devise ways and means for improving the position of the ryot, I am agreeable to such a course.

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"While dealing with the Patta Regulation it is stated by the majority of the Committee that the patta is to the ryot what the sanad is to the zamindar. The sanad concedes and declares the proprietary right of the zamindar and fixes the peshkash for all time. The issue of a fresh sanad or a renewal is nowhere contemplated or provided for. The patta only contains the terms and conditions of the tenancy subsisting at the time of the issue. The issue of the successive pattas from time to time is contemplated and provided for. This itself is a sufficient indication that the terms and conditions of tenancy would change with the change in the circumstances as for instance, the improvement or deterioration of the land, substitution of costlier or cheaper crops, or a rise or fall in prices.

"Lastly, I would now refer to another important question, namely, commutation. The proposal that in respect of lands held on a crop-sharing system rents must be fixed by valuing the landholder's share of the crop and the prices prevailing in 1802 is not a sound one. That would work out a very serious hardship on landholders who are receiving rent in kind or who commuted such rents in recent times in accordance with the provisions of the Madras Estates Land Act. If it is conceded, as it must necessarily be, that the ancient and immemorial system of rendering rent was by a share of the crop and that till recently that system continued to be in operation in several estates and that even now a not inconsiderable portion of wet land in several estates are held on that tenure, the immensity of the consequences of a proposal like the one made in the majority report could be duly appreciated. Commutation on the basis of prices prevailing in the last 10 or 20 years would be just and unexceptionable. Commutation, however, on the basis of prices prevailing about 130 years ago which even according to the majority report were between 30 and 40 per cent of the present prices, would work very serious hardship and would involve very many administrative difficulties. Hon. Gentlemen who have had experience of the Revenue department like Diwan Bahadur Appadurai Pillai and Mr. Bower have elaborately set forth the difficulties in giving effect to the proposal.

"I would also refer to one other point in the Minute of Dissent of Mr. Rangaswami Ayyangar with regard to the 1802 principle. It is a very important statement for this House and this House should remember it for all time to come, for I think it is a true analysis of the position. If it is to be denied later on, I shall be very happy. He says on page 335 of the Report:—

'None of the large number of witnesses examined before us on behalf of the ryots urged this position taken by the majority report, viz., the 1802 principle, nor was it suggested to any of the witnesses for the landlord or the ryots and not a whisper of this idea is found in any of the innumerable memoranda filed before us. There is no evidence as to how this method will affect the ryots or the zamindars.'

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It is on record that none of the witnesses that appeared before the Committee took up this position. So, the enquiry is not complete and there is doubt as to whether the class of persons whom they intended to benefit would really derive the advantage.

"Lastly I would only refer to that famous Bill which has been referred to times without number by the Chairman of the Committee, Mr. Crole's Bill, one of the high-minded Englishmen. I wish to refer to that Bill only to show one point. I would implore members of this House to read that portion of the memorandum of the Landholders' Association wherein they say that they will be happy if Mr. Crole's Bill is passed in toto and substituted for the Bill of 1908. They say that that Bill cannot be taken in part and they are for the whole Bill being passed and applied to them even now.

"These are some of the important points that I wish to urge. I may say that I yield to no one in my enthusiasm and earnestness to better the lot of the ryots. With all the emphasis that I can command I make it unmistakably clear that the position of the ryot must be bettered. Fixity of tenure for the ryot has been guaranteed. The next step must be to see that only fair rent has to be paid by the ryot and that he does not suffer from any sort of hardship or disadvantage. That protection alone will really help the ryot and that is the earnest attempt that has to be made by us. That is the crux of the great problem; that is the duty with which the House is charged. It may be that measures adopted so far have not afforded complete protection to the ryots. Legislation involving some sacrifice on the part of the landholders might have to be undertaken. Here it may be borne in mind that the landholders have made it plain that they are ready and willing to forego whatever may be just and necessary to advance the common good. They have further stated that a committee of experts may be constituted to investigate the question fully in the light of all their submissions and that they are prepared to accept the verdict of the committee in the matter of certain fundamental conclusions reached. If a committee of experts will give satisfaction to the class of persons who are vitally affected and if that will allay their apprehensions, may I not appeal to the Government to accept this suggestion, particularly in view of the fact that it is not a matter which the ryots will object to and it will be better to obtain the maximum amount of agreement on such an important and contentious measure. I do not think the ryot is shy of any committee and that being the case, to allay the apprehensions in the minds of the landholders, what harm will there be in referring the matter to an impartial committee? We do not condemn the Report for the sake of condemnation. We only submit that the Report should be further considered by this

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committee. Men of my persuasion think that nothing will be lost by such a procedure and therefore I appeal to the Government to refer this to a committee. It is in that view, Sir, that the amendment moved by my hon. Friend Mr. Krishna Rao appealed to me. When I appeal to the Government for the constitution of a new committee and when I speak in support of the amendment of my hon. Friend, I do not in any way mean any disparagement to the Committee that sat and bestowed such great care and attention in the preparation of such a valuable document which will be of immense use to the country and I also wish to assure the Government that I do not do it for any dilatory purpose. The enquiry can certainly be pushed through in a few months. In a matter that has been considered again and again for over 130 years, I do not think it would be too extravagant to ask that it shall be further considered for another 130 days. Let not the landholders feel that either because of political reasons or because of political prejudices, they have been harshly dealt with. Let our great attempt be to ensure permanent harmony and goodwill between the landholders and the ryots. When we do anything to perfect the position of the ryot, we must also recognize that the landholders have performed a really useful part in developing the resources of our country. The whole matter may be approached in that spirit.

"We have a great responsibility. Let us discharge that responsibility by ushering in an era of perfect cordiality between the two interests. The landholder and the ryot must walk hand in hand, advancing at every stage the progress of our country. If we completely succeed in that attempt, it will be one of the greatest contributions to the welfare of the Province."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Mr. Speaker, I believe it is not only unnecessary but even perhaps wrong now for me to congratulate my colleagues on the Report and on the amount of industry bestowed on it, as other hon. Members have thought it their duty to do. Expressions of mutual admiration among colleagues is not wise even if it were pardonable. The discussion has also been spoken of as having been good and very useful by some hon. Members. Even that, Sir, I believe would be super-erogation on my part to indulge in. The House discussing a problem of this nature must necessarily result in good and something, which will be useful for the further progress of the people and so it is redundant on my part to pay any compliment in respect of that matter also. Yet it does occur to one that when very fine contributions have been made, they should not be passed by without some kind of appreciation. It is in that spirit, Sir, that particular observations were made with respect to the utility of the debate.

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"In every one of the speeches that have been made, it was practically admitted, tacitly, if not expressly, that the situation demands overhauling. This is a cardinal point which should not be put aside merely because of vested interests, whether powerful or not, it does not matter. Every speaker who rose to speak on the question had to admit that the position needed overhauling. There can be no question of vested interests; even if they exist, they should stand aside so that the welfare of the country may be put on a proper basis. From that point of view, I will have to repeat again that practically every one of the hon. Members has admitted that the situation needs overhauling. Not only members on this side of the House but members from the other side of the House have agreed that the situation calls for overhauling. But after admitting this, member after member has chosen to say. 'This will profit the intermediate proprietors; this will profit the man who has purchased lands recently and therefore it is no good to launch on any programme of this kind.' This, I submit, is not only unstatesmanlike but positively a harmful attitude and an attitude which will block reforms. To hesitate to initiate a reform because it would benefit A, B or C in the process of the general welfare, is not a correct attitude; it is a dangerous attitude for people to adopt.

"But let me point out at once that all the enquiry that we have made in the course of the past 18 months has led to one discovery, and that is, that whether in ryotwari lands or in zamin lands, the small proprietor is by far the largest in number. The idea that any reform proposed by the Committee would benefit certain large proprietors and therefore there is a bad motive in it or a vulgar motive in it, is altogether wrong. Not only is it wrong; it is based on an erroneous assumption. It may be taken for granted that the vast majority of people are the smallest proprietors, be it in the zamindari area or in the ryotwari area. Therefore, let nobody attribute any motive to the proposal that is made by the Committee.

"The idea that latest purchasers may benefit by it is also similarly wrong. Supposing this doctrine were accepted, we cannot undertake any ameliorative measures and we cannot push forward with any reform. Because forsooth this reform had not been foretold last year and some people had paid money under the existing state of affairs; therefore some men gain, unnecessarily, in their opinion; it becomes, so to say, unearned increment for a few people who made purchases. If this doctrine were accepted to prevent unearned advantages going to somebody, we should not undertake any reforms. But all these things were made on the basis of the law then existing. It must be assumed that people entered into transactions on the basis of the law as it stood; they paid money and bought lands. Nothing can be

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done in this world if we do not want people to benefit those who paid money and purchased without knowing that such reforms would come. At that rate, I say that all reforms would be blocked. I submit that that should not be the standard by which to judge things. These propositions I want to brush aside before going into the question of the reform. The opinion that has been expressed that the reform should not be undertaken because it benefits those who do not deserve it, and because a large number of the people who will benefit are large proprietors and not small peasant cultivators of the soil, is not correct. We must have courage and determination to make reform. It has been pointed out over and over again by member after member that the situation needs overhauling; and many members speaking from the other side of the House were saying that the landholders were in favour of the reform, in favour of change and concession on behalf of the ryots no less than members on this side of the House.

1-15 P.M. "Therefore, there should be no suspicion that things would not progress and also that revolutionary measures would not be undertaken. This is a very right and correct attitude where all have to meet and combine and make proposals and pass decisions. But I am sorry that this hope has not been laid on a proper foundation in some of the speeches that were made on the other side. The astounding claim to-day, in 1939, that the owner of the land is not the cultivator—I will say, pattadar, I will use that expression which is beyond all doubt—is not the pattadar, but that the zamindar should still claim that he is the owner of the soil, is not a good foundation for the confidence which the Leader of the Opposition wants us to have. Is it right? It is one thing to say, 'We cannot define ownership;' but it is another thing to say, 'Ownership was possible at one time; but to-day no man is the owner of anything.' To-day even the owner of a factory is not the owner; and nobody knows what his rights will be to-morrow or the day after. That is the beauty of progressive civilization—that is the beauty of orderly Government and that is the beauty of Government which rules for the welfare of all. But to say seriously, in 1939, that the zamindar is still the owner of the land . . ."

SRI G. KRISHNA RAO:—"Co-owner."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I hear that term for the first time."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I said that in my speech."

THE HON. SRI C. RAJAGOPALACHARIAR:—"That is why I said I hear it for the first time."

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SRI G. KRISHNA RAO:—"The principle of co-ownership was accepted."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am glad the manner in which I have put the proposition has immediately elicited this answer. (Laughter.) I am glad that co-ownership at least is conceded to the pattadar. But I have to make the same observation with reference to co-ownership as I made with reference to ownership. It is wrong for the zamindar in 1939 to talk of co-ownership of land."

[At this stage the Deputy Speaker (Mrs. Rukmini Lakshminipathi) occupied the Chair.]

"He has a right to talk of co-ownership of Government, he has a right to talk of having an equal place in legislation; but it is wrong for him to talk of co-ownership in the land, in 1939. That is not a proper encouragement; or rather, if I may say so, it is not language which would foster encouragement and confidence. I do not say that there is any idea in the mind of the zamindars that they want to take possession of the land; the greater is the pity that such language is used! What I regret is the language that has been employed, when it is admitted by everybody that the zamindar has nothing to do with land, and that he has only to do with the collection of money or rent. When affairs are so well settled and so well admitted, why should people go to the extent of alleging that there is either ownership, co-ownership or joint-ownership, by whatever name they may call it?"

SRI G. KRISHNA RAO:—"On a point of personal explanation, Madam, what about the legal decisions which have so far been made? Are they pieces of flaw in reasoning?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am sorry, Madam, that the manner of presentation goes to the quick, so to say, and immediate interruptions are the consequence. I don't think I have made any remark to create any alarming impression; there was nothing in what I said to make it necessary for member after member rise in their seats and raise arguments by way of explanation and personal explanation. The argument that is raised now is only a repetition of the argument of Mr. Krishna Rao in his speech, that judicial decisions have been given in their favour. But, Madam, the Legislature is not bound by such decisions, right or wrong." (Hear, hear from Government Benches.)

SRI G. KRISHNA RAO:—"As a matter of fact we are speaking of things as they existed, and not as they ought to be. You may do anything you like. I only wanted to say that co-ownership was accepted not by the landlord or tenant only, but

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by high authorities who had a right to decide the matter in a most efficient, proper and judicial manner."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Well, Madam, I do not grant that any decision has accepted ownership. I do not grant that any decision which is worthy of respect has accepted ownership by the zamindar or the sanad holder. (Hear, hear.) I shall further explain my point to make the position clear. It is a pity now, and it is a greater pity that this position is reiterated. However, zamindars in this solemn House, one after another come forward to plead that they have the imaginary notion that they are the owners of the land. Even if it is ownership, co-ownership or joint-ownership, the position is not made better; the position is worse indeed. If the position is only explained it will be found it has reiterated that the zamindar still has not full ownership, co-ownership or part-ownership. I emphatically say that he has not any ownership whatsoever in land. I shall say why. Whether the zamindar is the lineal descendant of a defeated chieftain, or a rebellious person, who offered to help the Company's Government with his forces, power or position, in either case, he was not the owner of the land before the sanad. Zamindar after zamindar stands on the strength of the sanad, on the strength of the grant from the Company's Government. I say, the Company's Government had no ownership in the land, and no judge will say that alienation can take place of what the alienor did not hold. It is for us to say, who gave the sanad, that the Company's Government had no ownership; and the Company's Government not having an inch of land for themselves, they cannot grant the ownership of land to the zamindars. If to-day, Members of Legislature who speak on behalf of the zamindar have no better title than the sanad on which they stand, I have no difficulty in saying that they have no ownership, either in full or in part, joint or co-ownership of land. What they can claim is what the Government can give. The Government can part with its revenues; it cannot part with the land of the subjects, at any rate in this country. At no time has the ruling Government attempted to possess ownership in the land, which the pattadar held; and therefore, the sanad-holder has unfortunately to face this situation, that his predecessor-in-title had no ownership, and therefore he himself has no ownership. And what is the use of this vain controversy? (Hear, hear.) Can any one claim ownership? Even if ownership existed, that ownership must cease this moment. Therefore I say, it is vain controversy.

"As regards this claim, I can understand, Madam, if a zamindar put forward this claim. The passion of ownership is great, and personal interest will justify any claim, because the claimant knows that when he puts forward the claim, he does not

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take possession of the land; and therefore he has to put forward his claim at the highest so that he may get at least what he really wants.

"But what astounded me more was that Mr. Langley and Mr. Bower should come forward with this theory. I can understand the Zamindar of Mirzapuram claiming it; but I cannot understand Mr. Langley getting into the mind of the zamindar and talking the language of the zamindar. (Laughter.) It is true that Mr. Langley represents a class of people who own large extents of land to-day. It is true that in that respect they are zamindars owning large acreages."

MR. W. K. M. LANGLEY:—"Pattadars." (Laughter.)

THE HON. SRI C. RAJAGOPALACHARIAR:—"That is a safer title. But I was sorry to see him bolster up this theory of ownership of land that is sought still to be proved on behalf of the zamindars. He no doubt made a passing observation on that subject. He went immediately to another aspect of the matter which is his more immediate concern. He went forward to dilate upon the advantages of large holdings; that the most economic way of ruining the land in any State is to give large holdings to people and adopt the most economic method of cultivation, so that the people who work therein as well as the Government may profit thereby. In that respect he felt a sympathetic chord in his own mind vibrating to the claims of the zamindars. He imagines that the zamindar is something like himself, the owner of a large estate, who can bring the motor tractor to cultivate land and produce more therein and give also to the State more therefrom. Unfortunately that is not the case. The zamindar has not really taken the responsibility to cultivate the whole of his land. If he did at least that, as a matter of fact, apart from the question of right and title, it is possible that more might have been taken out of the land by the State and by the ryot; and the zamindar also may gain thereby.

(At this stage the Speaker resumed the Chair.)

"I have to tell him that the zamindar is not in the position of Mr. Langley's tribe, and that he has nothing to do with that tribe. In that particular matter Mr. Langley's group is very properly dealing with their lands as large-holding owners, as all such holders are entitled to do, are bound to do and are expected to do. But the zamindars are doing quite a different thing; at any rate that is the charge against them. So I want Mr. Langley to give up this advocacy on behalf of the zamindar, because the kinship between him and the zamindar is very, very slight, as I tried to explain. (Laughter.)

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“ Mr. Bower followed him at an earlier stage and he dealt with a different aspect of the matter. Mr. Bower claimed that he was not the owner of a large estate, but he said, ‘ I was a revenue officer; I have had experience as a revenue officer for a long time.’ Mr. Bower has claimed experience as a registration officer once; he has claimed experience as an excise officer of great standing at another time; he has also laid claim to experience as a land revenue official. I dread before the prospect of the dictatorship of Mr. Bower on the basis of experience. (Laughter.) And a retired pensioner’s dictatorship is something terrible. (Laughter.) He also spoke, I think, on behalf of this theory of the ownership of land by the zamindar—a poor revenue official, I must say, if at the end of it all, he still sticks to this doctrine. (Laughter.) It has been admitted in fact and even in theory by all, that the zamindar has no such claim. I would like here to harp back on something which I myself said—it is bad form to quote one’s self, but still on this point it is so relevant that I think I must commit this mistake of decorum. On the 29th January 1938, I said:

30 p.m. ‘ If the Government appointed a Tahsildar or a Collector who did not collect the arrears for so long, he would get dismissed at once. But if a Collector or a Tahsildar, while not collecting the dues to the Government, submits money from his own pocket and leaves the arrears to stand due, would he be excused? I submit not, Sir. He would receive double punishment, if he did not do his duty but paid the money from his own pocket in order to cover up his failure to discharge his duties. I maintain that the landholders are public servants and are not owners of property at all.’

I said this, Sir, before I had the privilege of reading the Report of this Committee.

‘ I maintain that they have been commissioned under a solemn document and under a solemn oath that they should collect those dues which have been specified and fixed, that they should collect them in time and without harassing the tenants, and remit out of them a fraction to the Government which has been very liberally fixed so long ago as 1800 and so on on a very liberal scale when prices were lowest, when lands had not been assigned. Now they have been assigned and they collect more in money from more tenants and altogether they collect much more than they pay to the very liberal Government, which has fixed their commission on a scale much better than what is given as salary to either a Collector or a Tahsildar of a taluk. Why should these people fail to perform their duties and why should they blame us when we complain that they have not performed their duties, and why should they not suffer for it? I have nothing more to add.’

I said this then. At that time I remember Mr. Krishna Rao flew almost into a passion when he heard these words. I maintain again that these zamindars should only have been holders of office and not owners of property. I repeat what I said in January 1938, with all the volumes produced by Mr. Prakasam now behind me to support this statement. At that time I was a little unready with my material, but I have now all my material

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ready, if it is questioned. It is not I that used these words for the first time. Let me refer hon. Members to what was said in 1786. It has been said that a historical enquiry is supposed not to be of any good. But, surely, when I made a statement which is considered to be hearsay, the earlier I go the better and therefore it is that I invite hon. Members’ attention to what was said in 1786—

‘ The Committee of Revenue writing to the Governor-General in 1786, in a paper on the zamindars’ rights, say: “ The office is conditional, it is renewable annually, and revocable on defalcation. It is evident that, though invested with the management of a certain proportion. . . .”

The very word ‘ office ’ was used then and not only it was used, but it was conditional.

“ The office is conditional, it is renewable annually, and revocable on defalcation. It is evident that, though invested with the management of a certain proportion of the collections, yet he is expressly restrained from the alienation of any land, the enhancement of any rates or rents and the imposition of any new taxes; these being rights inherent in, and expressly reserved to Government.”

“ Again, Sir John Shore defined a zamindar as a “ Receiver of the territorial revenue of the State from the ryots ”; and, in another place, as a person “ entrusted with the revenue.”

“ I now quote from Mr. Crole’s speech:

‘ Like every office in India, it had a tendency to become hereditary. But in Madras, at all events, there is no sign of the existence of the corresponding *farmers-general* of revenue, much before Aurangazib’s time, i.e., the latter half of the seventeenth century. There also is no mention of zamindars in the ‘ Ain-i-Akbari,’ or, say, up to 1605 as existing in any part of the Moghul Empire. As the Central Government became weak in its hold over the outlying provinces . . .

Here comes the progress from office to property—

‘ As the Central Government became weak in its hold over the outlying provinces, we find the Foudjars and Viceroys appointing men as farmers of the revenue, in various tracts in the Telugu country and the Circars. This was the origin of nearly every existing zamindari in the plain country, for example, of the important zamindaris of Vizianagram, Pithapuram, Venkatagiri and Bobbili. In course of time, these farmers, or their descendants, affected the status of feudatory chiefs, and maintained the armies and the pomp of princes. But as to their origin, there is no room for doubt. There were also, however, Hill Chiefs or Poligars, and one principality at least, namely, Ramnad. They were of different extraction and formed a distinct class. But after they had been reduced to submission, in the period following the extinction of the French Power in the South of India, the Government dealt with both orders in precisely the same fashion. The permanent sanads granted to all were in precisely similar terms. A third species of landholder, who was then brought into existence, was the mittadar, or ‘ proprietor,’ as he is called in the North of the Presidency, upon whom zamindari rights were conferred on purchase at auctions of the small estates, paying Rs. 5,000 or Rs. 10,000 revenue, into which the Government tried to divide out the ryotwari tracts of Madras.’

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"This, Sir, briefly explains the evidence behind my proposition that the zamindar is an office-holder and not the proprietor of any land. It is true that certain offices go hereditary. On the death of a certain holder his nearest relation comes to take his place. Sometimes even tahsildars did like that, even judges did that; even now, it is not extinct. I may say that the tendency is still there. This does not mean that the 'office' should be treated as property.

"I ask hon. Members to remember something that happened in 1902 when at the instance of the zamindars an Act was enacted for the impartibility of the estates. What was the argument that lay behind their claims? What was the reason why property was sought to be made impartible, contrary to all the laws and the genius of our people? Was it not a claim based on the opinion that it was an office rather than a property? I refer hon. Members to the preamble in the 1902 Act, the Impartible Estates Act, or rather the Statement of Objects and Reasons appended to the Bill:

The provisions of the Bill are directed towards.

Certainly the zamindars are not going to give up this Act as it was brought into existence at their instance:—

'The provisions of the Bill are directed towards the preservation of the ancient zamindaris of this Presidency. The zamindaris that were in existence at the time of the Permanent Settlement were generally either military fiefs or revenue farms which had become virtually heritable in the hands of official sanad-holders from native Governments. From the nature of their tenure, these estates were treated as impartible, at least without the consent of the ruling power; and it was long believed that they continued impartible, even after the Permanent Settlement, and that they were held under the law of primogeniture.'

"Sir, therefore did they claim then that it was property which should be divided like any other property in land? No, they claimed that it was a high office, of dignity and privilege with an onerous duty and they wanted that it should be brought into the hands of the person who was most fit to do that office and that is why it is stated that the eldest son should inherit. In the course of the debate on that Bill Mr. Thompson, who introduced the Bill, stated something which is very relevant:

'It is not difficult to understand how impartibility and single succession became essential attributes of the ancient zamindaris. When land was attached to an office which required personal capacity and activity for its discharge either as payment for or in support of the duties laid upon the office, and when those duties were continuously and satisfactorily performed, the holder and the holding gathered permanence and unity; authority naturally and necessarily was centered in one man or in one representative of a family; and the easiest and most appropriate method of his selection on a vacancy occurring was seniority in birth, other things being equal . . .

'From impartibility and single succession to the negation of alienation at the will of the holder is less than a step: the corpus of the property had to remain sole if the purpose of the grant was to be duly

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effected, and this quality was only another form of the restraint imposed by the superior, and was bound to continue while the superior was able or cared to maintain his relative position.'

"All these have been, Sir, subject to feeling at the time only to secure impartibility and behind that feeling is the clear-cut deduction that those were duties and those were offices and were not to be treated as personal property in land.

"We come now to modern times. Going back to Mr. Forbes, The legal status of the zamindar under the Permanent Settlement cannot be put higher than that of an assignee of the public land revenue. . . Attempts have made . . .

He refers to attempts like these that we make even now—

'Attempts have been made to draw a distinction between zamindars who in 1802 were of comparatively recent origin and zamindars who were representatives of ancient families who, it is claimed, had at one time larger interests in the country than mere farmers of the land revenue.'

Attempts had been made to commute their hereditary service even at that time when these estates were given. That is why I am reading, because the matter is comprehensive here.

'Whatever these ancient rights may have been, they had been absolutely destroyed as matters of legal right by the Moghul and Muhammadan Governments. I have made a careful examination of the history of the eighteenth century, and I dare to say that there is not a single instance in which the ancestors of the present zamindars were not treated and regarded by Muhammadan Government and its Viceroys at Hyderabad as farmers of the revenues. . . .

'The sole question which at present engages our attention is the question of the legal rights which the permanent settlement conferred upon them. The "proprietary rights" which the Settlement vested in the zamindar who accepted it appear then to be these: First, the right to collect the Government land revenue from the ryots in consideration of his paying to the State a certain proportion of that revenue as then ascertained, which proportion was fixed as a permanent annual peshkash and declared to be unchangeable for all time. The value of this right consisted in this: that formerly the peshkash had been variable and subject to periodical settlement; now it was to be fixed. The zamindar was continued by the settlement as an assignee or farmer of the public revenue, as he had always been, on a different basis.'

"Now, Sir, whatever may be the motives for the provisions under this settlement—in some cases he may be a regular appointee as a farmer of revenue which has been settled at an auction, or it may be that he was picked up as the man who had the just number of men behind him for proper collection of rent, or it may be he is a representative of an ancient family of chieftains or he may be a military chief; whatever the origin might be, all of them were treated on the same lines and had the same functions when we are told that their rights were such and such. Therefore, there can be no distinction whatever between one set and another set among them. All of them were to be on the same footing and therefore all of them must be considered on the same

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footing. There cannot be any distinction now with regard to the motives underlying their establishment or their being fixed up as grantees of these farms of revenue. It only needs a very superficial examination. This is only to confuse the issue. It is what people call 'a red herring across the trail.' Supposing X or Y zamindar had previously been a military chief and he had commuted his military service at the time of the Permanent Settlement, what is the result? He should take less. He had to perform military service and he was excused from this military service. He should, therefore, take less from the State, rather than more. It makes no difference in his favour, therefore, that he had previously been doing military service and that thereafter this service was commuted. It is merely a matter to confuse the issue, and does not make the slightest difference in regard to the matter that has to be settled.

"There is one point that has been depended upon and I would like to take that point because I think it clinches the issue also. What is printed at page 171 and subsequent pages in the Appendices to the Report runs as follows:—'At the time when this Settlement was made, Sir John Shore was pleading for a ten-year settlement instead of a Permanent Settlement and Lord Cornwallis was combating that position and was pleading for a Permanent Settlement.' It is not merely a matter of historical interest. I want to show out of that controversy that the present difficulty came up then. Sir John Shore had argued somewhat on these lines: 'You are giving away a Permanent Settlement to the zamindars. You have not guaranteed anything for the ryots, for the pattadars. You are taking a dangerous step. You ought not to do so. Let it be settled only for ten years instead of being a Permanent Settlement.' In answer to this, Lord Cornwallis was arguing—and his argument prevailed: 'This Settlement I am making is the first step in the process. Mr. Shore's fears are unfounded. It is not right to be afraid that the zamindars will not do the right thing. The ryots also will be permanently settled, the pattadars will have a permanent tenure. We need not be afraid of that. Let us take the first step and let us proceed. Let us not keep the whole thing pending till everything is satisfactorily settled.' This was the argument. Lord Cornwallis's contentions prevailed and the Permanent Settlement was effected. What is the logical sequence from that? The logical sequence is not that Mr. Shore's fears must be allowed on the one side, but the Permanent Settlement must be allowed on the other side. That is to say, on the one hand it was said, 'The pattadar is not going to have his permanent tenure; do not give this permanent tenure to the zamindar.' On the other side it was argued by those who sponsored the Permanent Settlement that, this was only the first step. Is it right to go back upon it now? The Shore-Cornwallis

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controversy, which is printed on pages 171–173 clinches the position completely. It finally concludes the question. That is why I am referring hon. Members to this portion to-day. 'I understand,' Lord Cornwallis said combating this view, i.e., Mr. Shore's view—Cornwallis said it in 1789.'

'I understand the word "Permanency" to extend to the jummah only and not to the details of the settlement, for many regulations will certainly be hereafter necessary for the further security of the ryots in particular. . . . I cannot, however, admit that such regulations can in any degree affect the rights which it is now proposed to confirm to the zamindars; for I never will allow'

—here the English is sometimes quaint and you may infer the opposite of what is meant; that is why I read—

'for I never will allow that in any country Government can be said to invade the rights of subject when they only require for the benefit of the State that he shall accept of a reasonable equivalent for the surrender of a real or supposed right, which in his hands is detrimental to the general interest of the public, or when they prevent his committing cruel oppressions upon his neighbours or upon his own dependants.'

That was the object of the permanent settlement, and Lord Cornwallis argued from this. Then he says more explicitly in a further minute recorded by Mr. Shore, after adducing the want of exact information:

'The necessity of some interposition between the zamindars and their ryots is absolute, and the Government interferes by establishing regulations for the conduct of the zamindars which they are to execute, and by delegating authority to the Collectors to enforce their execution. If the assessment of the zamindar were unalterably fixed, and the proprietors were left to make their own arrangements with the ryots, without any restrictions, limitations, or injunctions, which indeed is a result of the fundamental principle, the present confusion would never be adjusted.'

Mr. Shore's argument was that property being such as it is understood by lawyers, if we give this permanent settlement, the ryots would be in a difficulty. That was his exact point, and it is all the more astounding, therefore, that in spite of this controversy having been settled in favour of Lord Cornwallis, the same law of property is fetched here to back the claims that the zamindar is the owner of the property.

'This interference though so much modified is in fact an invasion of proprietary right, and an assumption of the character of landlord, which belongs to the zamindar; for it is equally a contradiction in terms to say that the property in the soil is vested in the zamindar, and that we have a right to regulate the terms by which he is to let his land to the ryots, as it is to connect that avowal with discretionary and arbitrary claims. If the land is the zamindar's, it will only be partially his property while we prescribe the quantum that he is to collect. . . .'

He could not digest the contradiction 'if you give away a sanad, the pattadars will suffer.' That was the difficulty that was met by Lord Cornwallis. Lord Cornwallis said:

'Mr. Shore's propositions that the rent of the ryots, by whatever rule or custom they may be demanded, shall be specific as to their amount; that the landholders shall be obliged within a certain time to grant pattas or writings to their ryots in which this amount shall be inserted; and

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that no ryot shall be liable to pay more than the sum actually specified in his patta; if duly enforced by the Collectors will soon obviate the objection to a fixed assessment, founded upon the undefined state of the demands of the landholders upon ryots.

If such and such a thing is done the objection is met. That is exactly what this Committee now stands upon.

'I agree with Mr. Shore that some interference on the part of Government is undoubtedly necessary for effecting an adjustment of the demands of the zamindars upon the ryots. Mr. Shore observes that this interference is inconsistent with proprietary right; that it is an encroachment upon it to prohibit a landlord from imposing taxes upon his tenants, for it is saying to him that he shall not raise the rents of his estates; and that if the land is the zamindar's it will only be partially his property, whilst we prescribe the quantum that he is to collect, or the mode by which the adjustment is to take place between the parties concerned.

'If Mr. Shore means that after having declared the zamindar proprietor of the soil, in order to be consistent we have no right to prevent his imposing new *abucabs* or taxes on the lands in cultivation, I must differ with him in opinion, unless we suppose the ryots to be absolute slaves of the zamindars. Every Begah of land possessed by them must have been cultivated under an express or implied agreement that a certain sum should be paid for each Begah of produce, and no more.'

I cannot read the whole.

'Neither is the privilege which the ryots in many parts of Bengal enjoy of holding possession of the spots of land which they cultivate so long as they pay the revenue assessed upon them, by any means incompatible with the proprietary rights of the zamindars.'

So, Lord Cornwallis got his point through on this express ground that the pattadar's position will be made perfectly safe later on. He actually contends that this was the first step and let not the first step remain undone because the second and third steps are necessary. And when this second step was taken—this is the language of that Regulation, the Patta Regulation which has been constantly referred to:

'It being advisable that the existing indefinite mode of dividing the produce of the earth, and of accounting for the customary ready-money revenue, should be abolished to the end that cultivators and under-tenants of land may have the benefit and protection of determinate agreements in their dealings with superior land-holders and farmers of land, and it being necessary to the security and comfort of cultivators and under-tenants, that the terms of such agreement should be made specific, to the end that cultivators and under-tenants, being sensible of the advantage of such security, may have recourse to them for the prevention of disputes. . . etc.'

"The Patta Regulation was passed. Clause VII reads:

'Proprietors or farmers of land shall not levy any new assessment of tax on the ryots, under any name or under any pretence; exactions other than those consolidated in the patta, or otherwise authorized by the Government shall, upon proof, subject the proprietor or farmer to a penalty equal to three times the amount of each exaction.'

"Does this mean, Sir, that this Regulation was laid down for a year and that year after year they could revise the amount? Could they pass a Regulation for twelve months? Certainly not. It was definitely laid down in clear language that the proprietor

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shall not levy any new assessment or tax on the ryots under any name or under any pretence and that exactions other than those consolidated in the patta or otherwise authorized by the Government shall be treated as an offence. That is the language of clause VII.

"Clause XI makes it more clear: even if the pattadars were induced to give receipts, to take receipts, and those receipts were attempted to be used as custom or as subsequent agreement, it was not permitted. Clause XI says:

'Discharges of rent in money or in kind received by proprietors or farmers of land, over and above the amount or quantity which may have been specified in the muchilikas of the persons paying the same, shall be considered to have been extorted; and discharges so taken by extortion shall be repaid, together with a penalty of double the amount of the value, with costs.'

Now these were in the mind of Lord Cornwallis when he stood up against Mr. Shore who pleaded for a temporary arrangement instead of a permanent arrangement.

"If that was in the mind of Lord Cornwallis and the Permanent Settlement was effected in such circumstances, can it be argued that the zamindar can go on increasing the rate of rent when prices rise? Because at that time it was stated in some documents that passed from one Government to another that the zamindar could increase his revenue on account of some valuable articles of food being raised, and because it was said that waste lands could be brought under cultivation, are we to base on this clause our claim for an unrestricted rise in rents? I maintain that at that time when these things were arranged, not even the imagination of the poets could have foretold that prices would rise in the manner in which they have done. Man is not able to look forward in matters of that kind. To-day, prices having risen so far, people talk of rise in prices, but in those days nobody could have normally had any idea, when imposing a privilege or a right, of raising the rent based upon a claim of rise in prices which were to follow the opening of the Suez Canal or the discovery of modern science. This question of rise in prices was not under contemplation then. When this right was created, the contemplated rise in prices could not have entered into the minds of the people then. The rise in prices and the consequential value that we now have for valuable crops being raised on the lands could not have been part of the transaction. They never imagined this and they could not possibly have imagined and therefore this point was not made part of the grant that was given by the East India Company. It is idle to talk of the present day prices from those grants which were made at that time because it was not contemplated then that, because of the rise in prices or because of the property rising in value on account of valuable crops being raised thereon, the collection of the zamindar also could be raised. Unless it had been

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definitely contemplated, the limit of collection that was put upon the zamindar could not have been put with reference to the rise in prices or more valuable crops being raised on the land. The only thing that has been expressly referred to was the raising of more valuable crops in order to show the relative difference between the punja and the nanja lands, and between nanja crops and garden crops. If a man took to ragi cultivation of a dry land and if it was converted into wet or a garden crop land, then it was considered more valuable. They could not have thought of a rise in prices on account of the improvement of trade and commerce and the railways in modern times. Therefore, let hon. Members, who depend upon that passage in connexion with valuable articles of produce for their support, and try to make a point that as prices rise, the revenue to the zamindar also must rise and that as the prices rise, the pattadar also will have to make his fortune according to rise in prices, remember that these things had nothing to do with the rates of assessment and that the zamindar cannot increase or decrease his rent which he should get according to the sanad of 1802.

“Then with regard to waste lands brought under cultivation, the zamindars were told that they could depend upon waste lands being brought under cultivation. Quite true. What does that mean? It means that they can only allow the waste lands to be brought under cultivation and not that they can sell it like the patta land or that they have an absolute right over it or that they can fell down the trees therein and sell those trees and pocket the money derived therefrom. No such thing was contemplated. The position is clear to the effect that they can give out the waste lands on the same terms as ordinary lands. That was expressly laid down in 1847 in a judgment of the court. This is what is contained there:—

‘Certain rates were fixed on different descriptions of the land at the time of the permanent settlement which rates cannot of course be raised so long as the lands remained under the same cultivation, whether nanja or punja. But the same rule does not apply, in the Court’s opinion, when the lands are improved by tilling or converted into thottakal or garden cultivation lands.’

That is with regard to more valuable articles of produce.

“As regards waste land, the position is made clear again: This is what Mr. Forbes, when introducing the Bill of 1905 said:—

‘This is a clear admission that in all the public cultivable land of the estate, occupancy right accrues as a matter of fact upon entry; also that the public cultivable land is all land which is not pannai.’

Again he says:—

‘This addition I cannot admit and I will now deal with that question. The zamindars make a strenuous claim that they have special rights over the waste, in other words, that they can exact for the cultivation

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proof such terms as they please or what is the same thing impose a tax and not an assessment. No constitutional basis can be found for such an argument, zamindar is no more in law than an assignee of the public revenue. The review which I have taken of the opinions recorded by the highest authorities down to 1865, give no colour to such a pretension; and if it did not exist during all these years, nothing that has been enacted since, has conferred rights which were not possessed at that time.

“There were only two points in the old transactions upon which reliance is placed by those who argue for the claims on behalf of the zamindars. The first is the cause of the rise in prices. They say they can raise the revenue if there is a rise in prices, over which I have said enough. The second is that the zamindars have uncontrolled rights over waste lands just as they had rights over private lands of their own, which is also entirely wrong. As I have just pointed out, waste lands rest on the same footing as the rest of the land and it is only the right of collecting the revenue or the assessment that was given to the zamindars; it they were not given property rights.

“It is argued by Mr. Bower who said: ‘Supposing your position in 1802 is correct, it was not kept upon; it is so stated in the various decisions of the courts; therefore we can go on under existing conditions; that condition must be maintained.’ I submit, Sir, that this is a strange argument. If you accept a certain position of some years back, it is no reason why you should continue it. It is only because that certain irregularities crept in owing to decisions of courts and it is because that we want to overhaul the system, that we want to introduce such legislation this.

“The defence of the zamindar that he got the properties under the Permanent Settlement of 1802 and therefore they should not be touched is, I submit, not a correct argument; because after 1802, the circumstances that existed at the time of the Permanent Settlement do not exist now and we have to examine that right which was conferred at the time of the Permanent Settlement in the light of the changed circumstances. We have to examine that right a great deal. If the defence of the zamindar is that he is entitled to quote the right that he got in 1802, we are entitled to examine that right most rigorously and most strongly and that is what I am doing. If, therefore, it is shown that in 1802 the sanad that was given to the zamindars did not carry a free hold on waste land, but only a control, if it did not carry a free hold on the properties in the forest and to cut down the trees as they liked and sell them, but it carried only a right to manage the forests that were entrusted to them on behalf of the pattadars, if that was all the right that was given to the zamindars, how can you claim out of it any greater right?

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“Then, Sir, this right of the State is not a new thing that I claim. What did Mr. Crole say in the very first page of the Note that has been placed in the hands of hon. Members? This is what he says:—

‘It is palpable that, putting the case at its lowest and weakest, no alleged contract can prevent a Government, in the general interests of the community, from doing what is found just and necessary in order to meet circumstances like these. But it so happens that such a contingency was clearly foreseen and provided for towards the close of last century by the Court of Directors, Lord Cornwallis, the Madras Government in its instructions to Collectors in 1799, and in the permanent sanad issued to zamindars under Regulation XXV of 1802, the 13th article of which specifically reserves the right to enact regulations for the security, protection and prosperity of the subjects of the British Government. . . . and for the improvement of the condition of the people.’

Sir, in that very sanad it is this article that is put down:—

‘The Governor-General in Council distinctly informed the Madras Government [dated 31st December 1799, No. 8-1-18 (a)] that “the acknowledgment of a proprietary right in the zamindars existing, or those to be created, was not to be allowed in any respect to affect the rights of the ryots or others who had hitherto been in any respect subject to the authority of the zamindars, or other landholders; nor was it to be construed to preclude Government from passing any laws or regulations which might occasionally be deemed expedient for the protection of the rights of the ryots or of other persons or for any other purposes which might be deemed essential for the good government of the country.”

Now, Sir, the great claim that is made with reference to the sanad of 1802 referred to above is that it vests the right of property and it is expropriation to make any change. I say that if the 13th Article of the sanad has given you notice that for the outstanding purpose of protecting the rights of the ryots and for the outstanding purpose of protecting the interests of the State, the State can frame laws from time to time in regard to the very property that has been referred to in the sanad, if that article contains this very notice in clear and express terms, you cannot call the present proposal for legislation as confiscatory and expropriatory. The farmer of revenue was given the right to collect the revenue from the land under the 13th Article and in spite of that, if we cancel his right as successors-in-title of the property that was given to these zamindars, whenever we find it necessary or expedient to cancel it we have every right to revise the grant under which the zamindar holds the land. It may be true that the zamindar-farmer has got some property now and you allowed his sons and other successors-in-title to enjoy and collect revenue from those properties. If it is claimed under the 13th Article that the zamindar and his successors-in-title have got a right over the property, I submit that the same article provides powers to the Government for changing the law owing to normal contingencies. Otherwise who could have imagined what would take place in the year 1939? In those years they could not have dreamt what would take place in the year 1939. Of course they had legal talent and they made certain provisions for maintaining

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the rights of the subjects and also for changing the law from time to time whenever the Government thought it expedient or necessary. That you might construe out of these documents. Therefore it is idle to talk of expropriation and raise both hands in horror in respect of any legislation that may be introduced.

“Now let us review the present position. What is the present state? Can any Member set his hands on his heart and say that everything is all right, those rights are sound, that everything is in order and that nothing need be done and that the document that is existing is quite enough? Is the zamindar able to carry on the affairs in his zamindari himself? No; he himself wants help from the Government to collect revenue. Whenever we enquire as to the causes of his difficulty in collecting the revenue we find that multiplicity of reasons are given. One of them is that there is extortion of money from the ryots. If the zamindars themselves are in such a state that they want a change in the law, we will have to see what will be beneficial to them; if there should be peace and if they should be in possession of the property to which they think they have got a good title, surely a revision of the system is necessary. If a revision of the system is not confiscatory, the proposal of the Committee is also not confiscatory. You cannot blow both hot and cold. You cannot say, ‘These rates of assessment have to be revised but you must revise them only as far as we want them to be revised and not as you would like them to be revised; if you go further than what we stipulate, then it is confiscatory and it is not lawful under Article 13.’ That is an inconsistent argument. Therefore I say that the position of the zamindar, even apart from the demand of any body of pattadars, even apart from the Committee’s Report, judging the case only from the zamindar’s relationship with his tenants, needs to be revised. Therefore there is no room for the talk of confiscation.

“The only question then remaining is: what is the right thing to do? Let me explain the state of things illustratively. In Mandasa in Vizagapatam the neighbouring ryotwari rate is Rs. 1-12-0 lowest and Rs. 3-8-0 highest, whereas the lowest in the zamindari area is Rs. 3 and the highest Rs. 24-12-0. Take Urlam: the ryotwari rate is Rs. 6-8-0 while the zamindari rate is Rs. 22. In Pithapuram the lowest ryotwari rate is Rs. 9-3-0 and the highest is Rs. 13-8-0, while in the zamindari area the lowest is Rs. 35-13-0 and the highest Rs. 50. In Kirlampudi the lowest ryotwari rate is Rs. 2-6-0 and the highest rate is Rs. 13-8-0, while the zamindari rate is Rs. 9-4-0 lowest and Rs. 35 highest. I do not want to frighten people with a few illustrations but these are areas where we can compare and see how things stand. Supposing we make no law, what are we paving the way for with these things before us? Will the zamindars be happy if we leave

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things as they are at present, because if we do anything it will be expropriatory and confiscatory? What will be the consequences? I submit, Sir, that it is in the interests of the zamindars themselves that confiscatory legislation is necessary now. (Laughter.)

"It has been stated by many hon. Members on the other side of the House that the whole system should be abolished, that the thing should be bought up. This reminds me of a phenomenon which is fairly common in these days. In many places people press the Government to compulsorily acquire their lands. But when the compulsory acquisition law was passed, people raised their hands in horror and said that it was a confiscatory law and that 15 per cent of the value of the land should be given as compensation for the compulsory nature of the acquisition, because the landowners were the victims of a compulsory law and they had to part with their land. Therefore the compulsory Land Acquisition Act was passed in that manner. Provision was made for a big percentage in addition to the normal value of the land. But what happens now? People try their best to get at the Government by round about means in order to bring about compulsory acquisition, because thereby they would be able to get the price of the land and an additional 15 per cent as compensation. Therefore it is a good bargain to get the Government to buy their lands. In the same way the zamindars would be most happy if we compulsorily acquire their property and pay them what they are pleased to call a just and equitable estimate of its value. They would like to entrust all their property which they have managed so well to us. They would like to give all their property to the Government after having prepared the ground by good management all these years. As for the amount to be paid to them they say, 'Take the present rent-roll, take the peshkash and multiply the difference by any number you like and give us reasonable compensation because we are victims of compulsory acquisition.' I know they would be very glad, because it is not a good estate that they are giving to the Government. Therefore I can very well understand the liberality with which proposals for compulsory acquisition are put forward, but it is necessary that the position has to be made clear and satisfactory. I know that the thing has become impossible. The zamindars have raised their standards of life to a level which was not contemplated by Sir John Shore or Lord Cornwallis. They have made themselves persons whom Sir John Shore or Lord Cornwallis cannot recognize or identify. If they saw them now they would ask, 'Are you the men whom we asked to collect the revenue? How can you spend so much?' In 1802 when the sanad was given what was the income of these great chieftains? It was on a rough calculation about Rs. 25 lakhs all told, because they paid only Rs. 40 to Rs. 50 lakhs to the Government. The residue could not have been more than Rs. 20 to Rs. 25 lakhs

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in 1802. With this sum how could they have lived this standard of life, even allowing for the low prices that prevailed in 1802? Probably motor cars were very cheap in those days. (Laughter.) (An hon. Member: 'There were no motor cars.') Oh, there was none at all, (Laughter.) I should not have stated it. Let us assume that the prices of the many things which they are having now were half or one-third of what they are at the present day. Even then their present state is far different from the state in which they were contemplated to run their families in those days. Therefore it is most unfortunate, it is impossible; but that is not to be made up by exactions. Prices rose on account of the opening of the Suez Canal, on account of the Great War, and on account of the burning of property and of many good things for the sake of killing one another. Cotton prices go up not on account of the greater demand for yarn and cloth but on account of the vast quantities of cotton burnt in war. All these things have to be taken into account. The zamindar has changed his manner of life and now he cannot go back. He cannot have peace in his estate. He cannot get revenue from his estate. Under these circumstances it is necessary that the estate should be bought up. I know that it is necessary that the system should be ended. But is the zamindar entitled to the price he asks? Is he entitled to any price, seeing that he held only an office? If what I say is true, if the zamindar was only in an office, the consideration for the performance of the duties of the office was the revenues of the zamindari. But the zamindari does not become his property. If we ask a person to retire from his office and if he retires, does he sell out his office when he goes? No. In the same manner if what I have said is true, if my argument is correct, if what I have read to you from the old records is solid truth and if the zamindar was only in an office, how is he entitled to compensation, I should like to know. It may be that a man may have been in possession of a thing even wrongfully for a long time, but it does not become his property. At any rate it does not become his property which will have to be bought by the State in order to set the position right again. Therefore I contend that the claim for compensation is not founded on good logic or good history or good title. Therefore I submit that while there is a liberal offer to get rid of this troublesome estate, it is tacked to a proposal which the State cannot accept. There is no use in raising false expectations with regard to this matter.

"Sir, the first farming of revenue was a wrong step. The result of what I have stated so far is that the first farming of revenue was an entirely wrong step and it is entirely wrong to seek to perpetuate it as a property and say that any touching of it is confiscatory. These zamindars have secured the imposition of a hurdle by way of the Government of India Act. They say that

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the Permanent Settlement cannot be touched unless the Secretary of State agrees to it and they will fight tooth and nail against any legislation within the limits given to the Provincial legislature.

“The hon. Member Mr. T. T. Krishnamachariar made a very good speech. I do not say this with any intention of merely complimenting him. He made a very good point. He said that he had read the Joint Select Committee Report and the discussions thereon and that it was plain that our right to legislate on this matter had not been taken away, that there was only a simple condition imposed that the Secretary of State's consent should be obtained and that what we should do was to try to make that legislation. As a strictly constitutional argument it is correct and I should accept it straightaway, but, Sir, we must face realities. It is true that the zamindars laid the astounding claim that this Permanent Settlement should not be touched at all, but that was brushed aside by Parliament because they said that no Government could run on that basis and that any Government was entitled to have a change. But Parliament said that they would so arrange things that the Government to which the zamindars would be committed would not be able to touch the Permanent Settlement. That is the position we have reached constitutionally. It is perfectly right but in practice it has made the position impossible. How can you overhaul this system? The zamindars have been complaining that even the very pronouncement of the Committee's opinion has confused matters. Now does Mr. Krishnamachariar want that we should start legislation and maintain all the litigation over that legislation or go to the Secretary of State with that legislation and keep everything hung up so that this confusion may be there and a second confusion is created by the actual law passed? This, I say, is an impossible position; at any rate I do not propose that this Government should tackle the matter in that manner. There is no doubt whatever that the original sanad was wrong. There is no doubt whatsoever that that position must be put an end to. Apart from other things, there is the well-known epigram which describes the attitude of the Company's Government of those days: they ‘traded like rulers and ruled like traders.’ They were ruling in 1802 and they had also vast lands from which revenues were derived. They could not directly manage those lands. So, what did they do? They did what a trader would do. They said: let us get a *kangani*, let us get the most powerful man in the place and give him a share of the revenue he will get the whole money and it would be the easiest way of getting the revenue. So like traders they gave the 1802 document. It was not a Government that looked to the present stages of advanced civilization. They thought only for the time being; they thought of the best arrangement by which they could get

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their revenues; exactly as traders would arrange, they gave away their revenues on vast acres of property. Supposing, Sir, to-day I apply this doctrine to the Excise revenue and Mr. Muniswami Pillai gave it away for all time by a sanad—just pick up a few good Gramanis in Madras and tell them, ‘You are very good people, you are powerful people; let us get the average revenue for the past so many years; I have fixed up at this rate; you take one-third and give me two-thirds and I give you a Permanent Settlement;’—would this House pass such a measure? It would be impossible to conceive; it would be put down as absurd on the face of it; no Government worth their position can give away their revenues in this manner.

“What has been done, when we try to touch this matter? A hurdle has been placed that the Secretary of State should agree to it. It is said that that the same man must agree before we can touch the Permanent Settlement and sell away all the revenues for all time; then it would have been a mere argument by the liberal statesmen of those days; they would oppose it on principle and they did oppose it on principle. We have here the confirmation of that horror to-day. What is the confirmation? A sum of Rs. 40 lakhs is to be secured by the Government every year as a result of the transaction and a sum of Rs. 2½ crores is to be collected on the other side. Of course the budget is given; it is the result of a permanent transaction, not to say that it is a most egregious and wrong transaction; the budget, is presented to us; I spend so much but I get very little.

“We know that, when a man gets more money, he spends more; the greater your income, the greater is your wastage. That is man's nature; man knows that he does not carry money with him when he dies; therefore he spends all that he has; if there is money, there is a tendency to buy things and sell things. If these people can be asked to give Rs. 5 crores, there will still be arrears; traders and firms will take these 5 crores of rupees and there will be only a deficit in the end; that is exactly what is now prevailing. I submit I need not give more illustrations to show the absurdity of the transaction, because then I will be told that I indulge in parables and analogies. Parables and analogies only explain the truth. Truth is universal; truth is a principle and it will apply to any number of things, provided you care to pick and choose; if it applies to one thing, it will apply to another also. Hence the doctrine of parables. That is by the way. I am not trying to govern by parables; I am trying to govern by the truth of the parables and the only illustration of the universal truth about truth is that it is universal.

“Talking of compensation, property and confiscation, may I give the history and the example in the other hemisphere with some amount of enormous property in human-beings? Very

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valuable properties they had; slaves they had on the estates; they bought and sold them; they paid enormous amounts of money for the slaves. Yet slavery was abolished. Did they pay compensation? I wish some historian would help me with information on that point. Sir, as far as I know, even though money was paid in the previous year in America and though cash was given to purchase thousands of slaves—two thousands of slaves in an estate—no compensation was given when slavery was abolished. I do not think I am wrong. But people will say that is different from this; it is one thing to hold property in human flesh; it is another thing here. It is not another thing, let me tell you, Sir; only we must have eyes to see and the understanding to understand; this is not different but this is the same thing as slavery. I have given you, Sir, some figures; multiply those figures and compare; you will see that the situation in the zamindari area is not different from a slave estate. It is the same and the same laws must apply and the same commonsense must apply; only we want to put it down peacefully and without a Civil War between the North and the South”

SRI G. KRISHNA Rao:—“ I object to the zamindar being compared to the slave-owner.”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ That illustrates what I said just now; the truth which applies to the relationship between the slave-owner and the slave, applies to the relationship between the zamindar and the ryot, if there is any truth in that truth.

“ If it is a wrong thing and if it has resulted in a state of things which both sides want to overhaul and if even the zamindar would want his estate to be bought up rather than keep it, then I say that the same principle applies to both and that the thing should be ended. Of course, there is nothing wrong in the slave business; if we are philosophic enough, we can see that even now we have enormous amount of slavery; there is no difficulty, there is no shame in that.

“ There are people who will speak after me, who, no doubt, will talk of and refer to the position of landed labour and the position of the landless labour in the same area; they will say it is not enough to make this reform; you must make so many more reforms. Every reform has to face this. When a reform is introduced in the legislature of any country or by those authorities that govern the social fabric of society, whether it be a State or non-State organization, the reformer is confronted by those who oppose that reform and say that a series of other reforms are equally necessary; they say therefore, “ Do not do any reform. There is so much to do; there are yet A, B, C reforms to do.” But

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there are X, Y and Z persons who say, ‘ Don’t do this now.’ That is the hurdle that is always placed before any reform. In the same manner, people will say here ‘ There are so many others to be protected; protect them altogether or none at all.’ That is impossible for any reformer to accept. In connexion with that position, people will argue that the landless labourer, that is the labourer who does not own any land at all, should also be protected. How is he to be protected? He should be protected by being attached to the land as inseparable material. What does it come to? It comes to the old arrangement, of which even now we read in the Tanjore document: ‘ the land is sold with trees, with the birds and with the men on it, with the wageearner on it;’ that is the state of things even to-day in a very few estates. Ultimately, we will have to come round the circle to this position, that the man who works on a piece of land should stick to that land and should not be driven out of it. There is nothing horrible in the word ‘ slavery ’ to which Mr. Krishna Rao objected; I do not mean it in any offensive sense. That land has become some form of property; if, in the exigencies of the State and in the interest of the welfare of the people, we have to touch it, it will not do for the property-owner to ask for compensation, except where it is a trifling matter or a partial matter. When the whole system is so rotten, no State can afford to give compensation for putting an end to that kind of property; of course, it can be pointed out that grants or subventions might be given; that is a different matter; compensation for property is not a thing that can be allowed.

“ Now, Sir, I shall come to the end. As I have tried to argue, the zamindar who stands himself committed to his position in 1802, has no right to demand any enhancement of revenue over what he was expected to take in 1802. That is the cardinal position of the Committee’s report. This is the hobgoblin which I have exorcised just now. The hobgoblin has started an illusory position. But the State has got the right to the revenue, to the increased revenue, to the enhancement that has taken place during these many years; that increased revenue is somehow or other the inchoate property of the State; it is a dangerous thing to cut it down and to go back to 1802. How can a State acting in modern times, work on the moderate revenue of 1802? This is the hobgoblin; I want a correct attitude to be taken with reference to this matter. When we contend that in 1802 the zamindar did not get any right to enhanced revenue and when we contend that he should be made to stand on that and cannot claim greater rights, it does not mean that the State has no rights. The State transferred the rights to the zamindar in 1802. What are the rights that the State transferred to the zamindar in 1802? We propose to keep the zamindar within these rights. The State transferred in 1802 the right only to collect a certain amount from the pattadar and he cannot be

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d to collect any more; the State did not transfer other
es to him; the State did not transfer anything whatsoever
zamindar, besides what was transferred by the sanad of
We claim now from the zamindar that, on the transaction
2, he has to pay so much; he had to collect only so much;
not mean that the State cannot collect its rents if it is
nded. I shall give a very simple example. Suppose I
few houses in Madras and I live somewhere else; I appoint an
to collect the rents fixed on houses. I tell him, 'You collect
from X, Rs. 50 from Y and Rs. 100 from Z; you take one-
nd put four-fifths into my account in bank.' He cannot
more; he cannot raise the rents; but it does not mean that
ner of the house cannot raise the rent; I can raise it. There-
t nobody imagine that the 1802 basis affects the Government;
22 basis is a limitation of rights imposed only on the zamin-
e is not entitled to collect anything more. That is the
n of the Committee's Report. Therefore I say what has
en transferred to the zamindar, has been sought to be
d by him and he cannot be allowed to claim that.
is the position with reference to this transaction. It is
if a separate State is formed in the territory of the zamin-
or the purpose of collecting the revenue. Then such States
be painted yellow and marked as Indian States; it is not
e have to run the administration in these places; we have
p courts, magistrates and the police; we have to maintain
hing there; therefore it is not as if they became agents
land with full rights of taxation. In those days, there
rdly any other tax than the land tax. We cannot accept
mindar's contention that every right was given away to
nd that he was made a petty Indian Prince with ruling
n. Even from the Company's times, they maintained govern-
in those places and even now everybody knows that we have
governing in those places. Therefore these zamindars do
nd in the happy position of outright farmers of all Govern-
revenues; they stand in the position of only a farmer of
e that has been specifically fixed in the 1802 document and
g more. Therefore, it is that we contend that he cannot
more.

What is the use of arguing on the law as it stands? Many
been thinking and some have been speaking and arguing
the point of view as the law stands. There was a right
what was that right? What is the use of arguing the mat-
this Assembly as in a court? There is the use of doing so,
e reason that I shall just now explain. A man claims a
he wants the Government's help; the man claims the right
e wants to stand between the people and the Government.
ore, we have to decide exactly what that right is; therefore

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is that Mr. Prakasam has defined the right in his Report. The
document of 1802 does not give the zamindar any right to enhance
assessment rates. But it does not touch at all the position
the Government with respect to the general revenues or any-
ing of that kind. That is the exact position; and I submit
efore that the House should have no difficulty in accepting
e Report. We may have other duties to cultivators, ryotwari
ners and to everybody else; but each in its own time.

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p.m

"I do think that the two cardinal principles which the Com-
tee has laid down, viz., that the ownership of the land is
the pattadar and that the usurpation by the zamindar of the
ate's right to enhance the rent should be put an end to, because
had not been transferred to the zamindar—these two cardinal
inciples must be accepted by the House.

"Again, there was talk of forests, and I think, if I may say
it is a misinterpretation of the Committee's Report. It was
t intended that the forests should be handed over to be destroyed
the ryots; what was intended to be laid down was that forests
roads or any other property which was a public utility should
managed by the man properly and should not be converted
o property. And what the Committee says is that the forests
t having been properly managed, could be better managed by
ing taken over by the Government or by being handed over
the ryots, if necessary. It does not mean transfer to the ryot
every case, it means probably transferring to certain persons
be managed on behalf of the ryots in certain cases, or to ryots
mselves in certain petty cases. It is a question of management
d not a question of property. I hope that what has been
ommended in connexion with forests will not confuse the issue
this case.

"Sir, I have taken some time; but as a large question of policy
involved, I hope you will pardon me for taking up so much
ne of the House at this late hour."

* SRI S. NAGAPPA:—"Mr. Speaker, I rise to support the
ajority report, though at this late hour. Before I do so, I should
e to place certain facts before this august body. Sir, it was
ry pleasant to hear arguments on behalf of the ryots, on behalf
the tenants and also on behalf of the zamindars for the past
ar days. What I now propose to do is to speak on behalf of
e under-tenant. It seems there is a tug-of-war between the
o; viz., the zamindar and the tenant. But I say both the
mindar and the tenant are living on the hard earnings of the
der-tenant. These two persons, the zamindar and the tenant,

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must therefore understand that they must give something to the under-tenant. Let us see what the actual position is. At the present stage, we find there is the under-tenant, the tenant and then the zamindar and above him the Government. The zamindar is only a person who collects the tax from the tenant; I mean to say, he is to that extent a servant of the Government, as he collects the tax for the Government from the people. I may even go to the extent of saying that as he happens to be an agent, he may be called a servant of the public; and though he is a servant of the public, no servant is confident that a master tries to do things in the best interests of his servants. Now, we all know the relationship between the zamindar and the actual cultivator. The zamindar, if he is leading a luxurious life in foreign countries, does so at the cost of the under-tenant; if the zamindar is smoking, he is doing so at the cost of the under-tenant or the actual labourer. I wish to point out to the House that the under-tenant is worse off than the tenant. Unless the tenant has his own under-tenants, he cannot raise any produce in his land; but at the same time, without the tenant, the zamindar cannot get anything in the way of collection. It is something like having two knots; unless you untie the first knot, you cannot get rid of the second knot. So, I say, we must see to it that the zamindar is dealt with at an early date; and we must know definitely what his position is. The second thing will be for this popular Government to do something for the under-tenant who is actually the cultivator of the soil. It is he who produces the necessary food for the people of the country. I hope that without stopping with mere words, the present Government will bring in legislation at an early date to do something for the amelioration of the under-tenants. After all, Sir, if we do it, we do it in the best interests of the country as a whole. If, however, we do not do any such thing, the under-tenant will not be able to continue to suffer as now, with the result that the country cannot be enriched. He will naturally say, 'If you do not help me, I cannot cultivate the land, and I cannot help the country.' Sir, such a piece of legislation is now being enacted in the United Provinces. The object should be to see that each and every Indian in India cultivates or does his part in the production of food for the country, whether he is a Harijan, a Hindu, a Muhammadan, or a Christian; and if you want him to do so, you must make him the real owner of the soil. Then he will put all his energy into the thing, he will understand that cultivation is beneficial both to him and to the country and cultivate the land in right earnest. But if, on the other hand, the tenant or the zamindar who is the owner sits in Madras and says, 'You must give me food because I am the owner,' the under-tenant or the cultivator will naturally say, 'If you give the land to me as my own property, I shall do it; and you are also bound to collect from me whatever is your

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fair share.' Sir, no doubt the majority report proposes to deal with this question in a separate enquiry; but I appeal that no time should be allowed to elapse; the best way of dealing with this question is to see that the minimum wage of the under-tenant is fixed by statute and that he is assured of occupancy right. As I said, similar legislation is enacted in the United Provinces.

"Another thing that I want to submit is this: The Zamindar of Mirzapuram is stated to be a zamindar just because he calls himself a Gajapathi, a Bhupathi or some such thing. I have no objection to that. The word *pathi* means husband in Telugu. If he is really the husband of the land, he can depart from her for years together and lead a luxurious life either in foreign countries or in the City of Madras, giving such ill-treatment to the land, as my friend Mr. Kala Venkata Rao referred to the other day. If the land really had voice she might have run to a court of law for divorce. But as a matter of fact, he has nothing to do with the land, and mostly he is away from his land. He puts on the land only his tenant or the man who is expected to collect the rent for him. He does not know the troubles of the actual labourer; he does not know that the under-tenant has to keep awake sometimes till 1 o'clock in the night for the sake of earning something for others. The labourer does not even have good food or enough clothing; and all this for whose sake, I ask? He produces this wealth for the sake of others, for the sake of the country; does it not enrich the country as a whole? So, I say that the zamindar is worse than the tenant; for, the tenant at least is living in the land; though he does not actually till the land, he is there to help the tiller with his capital and to guide and control him in the production of food for the country. The zamindar does not do even that; he simply goes to some foreign country but sees to it that he gets his rent properly. For instance, if a zamindar hands over 1,000 acres of land to his tenant and goes off to a foreign country, and if, as in this year, the monsoon fails and there is enormous trouble, he does not care to know what becomes of the poor people. But the tenant will be there by the side of the cultivator; and he will at least give a portion of the small produce to the cultivator and share the troubles with him; while, as I said, the zamindar would not like to take even a single grain less than what is due to him. That is why I say the tenant is many times better than the zamindar. I hope, Sir, therefore, that the present popular Government will bring in legislation at an early date with a view to get rid of these demons and devils.

"With these words, Sir, I once again support not only the majority committee's report, but also the motion that was moved by my hon. Friend, Mr. Kala Venkata Rao." (Cheers.)

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Mr. SPEAKER:—" I think people are rather slowly rising to speak. Mr. Marina Subba Rao has been rising a number of times; he is a new Member and must be given preference over old Members."

SRI R. B. RAMAKRISHNA RAJU:—" I think old Members should be given preference, Sir."

Mr. SPEAKER:—" But the hon. Member has already spoken in this House; Mr. Marina Subba Rao has not spoken previously in this House; and according to parliamentary practice, he has got the preference."

SRI R. B. RAMAKRISHNA RAJU:—" May I know when the business of the House will close to-day, Sir?"

Mr. SPEAKER:—" If it closes, it will close (laughter)."

SRI R. B. RAMAKRISHNA RAJU:—" It depends upon you, Sir."

Mr. SPEAKER:—" It depends on the House."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" It is already 7 o'clock."

SRI V. VENKATASUBBAYYA:—" I move for closure."

Mr. SPEAKER:—" Does any Congress party Member move for closure without the consent of the Leader of the House? I think nobody will do that."

" The House will sit for two more speeches and then will be adjourned to a convenient hour, say, to-morrow. Mr. Subba Rao will now speak."

SRI M. SUBBA RAO :—" అవ్యవహారము, మా మిత్రుడు శ్రీ కళా వెంకటాచార్యగారి ఉపపాదనను నేను మనస్ఫూర్తిగా విలపించుచున్నాను. ఎన్నోలు ల్యాండు అక్టు విచారణ కమిటీవారు దీర్ఘమైన విచారణచేసికానియుక్క రిపోర్టు సంపూర్ణముకావించినారు. సడరు రిపోర్టులో మెజారిటీ కమిటీవారు చేసిన సూచనలను ప్రస్తుత ఛరిస్టియన్లలో దేశానికి కావలసిన విషయములచేర్చి చేసినారు. కాబట్టి ఆ మెజారిటీ కమిటీవారు సూచించిన రిపోర్టును నే ననేకవిధముల విలపించుచు దాని ప్రకారము వెంటనే చట్టము తయారుచేసి దానిని సభవారి ముందుకు వేసి కొరచున్నాను. జమీందార్లు జమీందారి రైతులకు కలుగజేసే యిబ్బందులు, అన్యాయములు ఇతన్నీ చెప్పబోయినట్లైతే చాలాకాలాతిక్రమగును. ఒకటి, రెండు మాత్రము మనవిచేస్తాను. ఒక జమీందారుగారి కప్పుడొక లంక ఖామిని నావద్ద 500 రూపాయలు అడ్వాన్సు తీసుకొని 1,500 రూపాయలకు కవులు కిచ్చినారు. అదే ఖామిని

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అదే సంవత్సరమునకు ఇంకొకనికి వానివద్ద కొంత అడ్వాన్సు తీసుకొని కవులు కిచ్చినారు. రెండవ పర్యాయము కవులకు తీసుకొన్న వ్యక్తినున్నూ, జమీందారుగారిని ప్రతివాదులుగా చేర్చి ముససలు కోర్టులో దావా తెచ్చినారు. ఇప్పుడది విచారణలో నున్నది. దేశములో జమీందారీ లేవిధంగా పుట్టినదిన్నీ, సంస్థానధిపతు మీటింగులో విజయనగరములో రాజాగారు తెలియజేసినారు. ఆ సంగతి చదివినట్లైన మీ కందఱకు తెలియగలదు. శ్రీ పిరాపురం మహారాజావారి వై రాజమండ్రి సబ్-కలెక్టరు కోర్టులో అదనపు కన్నులుకట్టు విషయమై రెండు Suits దాఖలుచేయగా ఆ కలెక్టరు రామస్వామయ్యంగారికొక జడ్జిమెంటు వ్రాశారు: "జమీందారు లే విధముగాను అదనముగా కన్నులు కట్టడము న్యాయముకాదు. గవర్నరు మెంటుకు వారు దేవస్థానముల అదనముగా యిచ్చుటలేదు. వెరువులు మరామత్తుచేయుటలేదు. ఇరిగేషన్ కాలువలు మరామత్తుచేయుటలేదు."

"జమీందారి విచారణ కమిటీవారు విచారణచేయుట లోపలకుబడి నుకయోగించి నారసియ, సాక్ష్యాన్ని యెట్లాగబడితే అట్లాగ సమర్థతతో వ్రాశారని జమీందార్లును వారి కమిటీయును శలవిచ్చినారు. కాని అబద్ధపు సాక్ష్యము చెప్పుట రైతుల కలవాటు లేదు. వారు చెప్పినది చాలా అసమంజసముగానున్నది. ఒక్క కాగితముకూడా లేక అసలు సాక్ష్యము చెప్పుటకే బెడరు రైతులబద్ధపు సాక్ష్యమెట్లు చెప్పగలరు? ఒక్కొక్కప్పుడు జమీందారి పన్నుకట్టియు రక్షితులు పుచ్చుకొనకుండాయున్న అమానుకపు రైతులబద్ధపు సాక్ష్యము చెప్పిరన్న అది నమ్మదగ్గ విషయముకాదు. యూరోపియన్ సభ్యులు లాంగ్లే (Langley) గా రొకమాట శలవిచ్చారు. ఖామికి Proprietor జమీందారే అన్నారు. ఇది చాలా ఆశ్చర్యముగానున్నది. ఖామి పుట్టినప్పటి నుండియు దానిని దున్నిన రైలే దానికి హక్కుదారుడుగాని జమీందారు డెట్టగును? Proprietor అన్నప్పుడు రాజభాగానికి Proprietor గాని ఆ ఖామికి Proprietor అనడానికి వీలులేదు. మరియు లాంగ్లేగారు "కమిటీలో పార్లమెంటుగీ కార్యదర్శి గారిని వేసినారు, అది న్యాయముకాదు"న్నారు. యూరోపియన్ సభ్యుల కిందులో ప్రాతినిధ్యములేదని లాంగ్లేగారి యభిప్రాయమై యుండవచ్చును."

"సైరుక్ కమిషనులో ఒక్క నల్లమనిషిని వెయ్యండయ్య అంటే వేయక ఆ చట్టము ఈ దేశానికి సంబంధించినదైనా, ఈ దేశ ప్రజాస్థితులు వారికేమియు తెలియక పోయినా విచారణలేకుండానే చట్టాన్ని ప్రవేశపెట్టినారు. ప్రజలు కోరేదేమనగా యెప్పటికైనా ఈ కమిటీవారు విచారణచేసి యేవో కొన్ని లాభములు దేశక్షేమకరముగా; ఆర్థికముగా గ్రామాభివృద్ధికరమైన పనులు జరుగునని, వారి యిక్కట్లన్నియు తీరునని చూపుతున్నారు. వెంటనే ఈ చట్టము తెట్టి ప్రజలకు సదుపాయములు చేయవలసిన బాధ్యత యీ సభవారివైనన్నది. దేశములోని యితర రైతు లోకమునుండి విడదీసి జమీందారుల చేతులలో యీ రైతులనుంచి వారిని బాధపెట్టుట న్యాయము కాదు. ఈ చట్టము నామొదిండులు జమీందార్లకుకూడా త్తేమమే. దేశమునకు కావలసిన సదుపాయములను చేయవారు రైతులే. ఈ నేళ్ల జమీందార్ల ఆదాయము తగ్గిపోవునని దీనిని త్రోసివేయుట సమంజసముకాదు. కమిటీవారు జమీందారుల కే విధముగాను అన్యాయమైనట్టి సూచనలు చేయలేదు. ఇదివరలో ప్రజలకు కల్గిన అన్యాయమును, అక్రమమును కనిపెట్టినారు క్రొత్తగా చట్టము సృష్టించలేదు. అన్యాయము జరిగినపుడు

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స్వాతంత్ర్యప్రకారం న్యాయము కలుగజేయుటయే గవర్నమెంటువారి ఉద్దేశము. ఇందులో మూతము న్యాయములేదన్నా గవర్నమెంటుకు న్యాయములేదన్నా అను. ఇందు న్యాయములేదంటే యీ న్యాయస్థానములన్నీ తొలగించాలి. దీనిని ట్టుముచేసినగాని ప్రజలు చాడలను భరించలేరు. ఇప్పుడు చాలామంది ఆస్తాములేక లమూ మాడిపోతున్నారు. ఈ సమయములోనే వారికి సహాయపడవలెను. చాడుము డిపోయిన వానిని హాస్పిటలుకు తీసుకొనిపోవుటకంటే వానికి వెంటనే చాడుమిచ్చి రుజువ వానికి చికిత్సచేయించుట సమంజసము. యీ విక్రయమునుగూర్చి 4 మీర్చార్ 1) జమీందారుగారు చెప్పినారు. అది కమిటీవారి సూచనలోలేదు. రాజాగారి ట్టుమును ముందుగా అంగీకరించి ప్రజాపయోగమైన కొన్ని సూచనలను చేసినచో యిది నివారణ దర్శించి ప్రవేశపెట్టెదరు.

“4 ప్రకాశం పంతులుగారు యీ కమిటీకి ధ్యక్షులుగాయండి ప్రతి పూరూరి తిరిగి వారి పోర్టు తయారుచేసినారు. పూర్వము వ్యాసమహర్షి యొక్క సంకల్పరచులు వుంచి మహాభారతము 18 పర్వములు వ్రాశారంటే అంత ప్రతిష్ట అనేక గ్రామములు 18 భాగములను తయారుచేసిన యీ ప్రకాశం పంతులుగారికిని వెండవలసి వచ్చింది. 4 మీర్చార్లపై జమీందారుగారు రైతులు అబద్ధపు సాక్ష్యముల నిచ్చిరియు, 802 వ సం॥పు నాటి శిక్షలు పెట్టమని వారు కోరనిదీ దీనిని చేసిరియు చెప్పినారు. కులబద్ధము చెప్పినది లేనిది నేను వ్రాసిన చెప్పిన గవర్నమెంటు తరపున కలెక్టరుగారి కుమారుడు తొక్కాణము. వేలొంది ప్రజల చాగుకొరకు కొద్దిమంది జమీందారులు క్షమచేసినచో ఆసంభవములేదు. ఎంతోకాలమునుండి సుఖముల నడచివెంచువారి కు కొద్ది కష్టము సంభవించినను కష్టముగా నేయించును. నే సందరిని ప్రార్థించున నున యీ లిచ్చానను బలపరచి దేశ సౌభాగ్యమునకై యీ చట్టముమూలలోనికి వచ్చుటకు ప్రయత్నింవగోరెదను.”

* SRI B. PERUMALLA NAYUDU:—“Mr. Speaker, after the very able clarification of the zamindari issue and incidental problems by the Hon. the Premier, it would be superfluous on my part to follow it up. I propose to deal with some of the points raised on the floor of the House in respect of the Report.”

MR. SPEAKER:—“Very briefly.”

* SRI B. PERUMALLA NAYUDU:—“I shall be very brief, Sir. Especially I want to refer to some of the points raised by the Zamindar of Mirzapuram during the course of his speech.

“Before I do so, permit me, Sir, to add my tribute of praise to the Prakasam Committee for presenting the admirable and monumental report it did. The grateful thanks of the peasantry especially in zamin areas go to it for unearthing mines of valuable information which hitherto lay concealed in the dusty archives of the Government, and for laying the foundations for their final redemption from a curse which has been hanging over their heads for the last 40 years and sapping away their vitality to

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the core. The Report marks a definite stage in the reconstruction of our rural economic structure, which is so very dear to our hearts. Nevertheless, it has aroused considerable bitter controversy and has been assailed on various grounds. The criticism has ranged from the slogan of ‘expropriation’ to that of insufficiency in the ambit of relief. It is but natural that when any measure of far-reaching importance is contemplated, it should engender heat and imputation of motives instead of being viewed in cold logic. Whatever that might be, the zamin ryot feels to-day a relief which he has never experienced before and which can be compared only to that enjoyed by a person after a refreshing summer shower. Though the recommendations do not come up to the high level of his aspirations, i.e., the abolition of the zamindari system, yet he finds in them appreciable potentialities for the betterment of his economic status and ardently hopes for the dawn of a better and glorious day when his cherished ideal would be realized. He is fully cognisant of the limitations under which the present Governmental machinery is working and so does not choose to queer the pitch by making his demands too high for the present. This he has declared in no unequivocal terms in numberless conferences all over the Province and in the Press as well.

“Sir, it is amazing to find that some members of this House, in their eagerness to demolish the case made out in the Report, should try to establish the landholder as the proprietor of the soil, in the face of the many authoritative statements we find embodied in State documents and judicial decisions. Apart from juristic and sociological notions that mostly find acceptance to-day among the educated public, even the illiterate Indian ryot, whether under the Permanent Settlement or otherwise, challenges the idea of proprietorship residing in any other man than himself, in the light of his own commonsense. The reason is not far to seek. He has become conscious of his rights and declares that, though Empires might fall and dynasties might change, he, as the tiller of the soil, is the active instrument in the production of the food that sustains the millions of lives in the land, and as such, none but he could be the owner of the soil. That being so, it is sheer temerity to fix the proprietorship elsewhere than in the cultivator.

“Sir, the Zamindar of Mirzapuram told this House the other day that there was no demand for any enquiry of the kind this Committee has undertaken. My hon. Friend seems to suffer from short memory. For over a decade, the zamin ryots all over the Province have been meeting in conferences and agitating for the betterment of their condition; especially after the inauguration of the Andhra Provincial Zamin Ryots’ Association at Venkatagiri in 1928, the agitation has taken an intense form. But, owing to

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adverse political conditions it could not make much headway. Further, the zamin ryots' problem was one of the main issues in the last Assembly elections, when many zamindars contested for general seats and got defeated. If that was not a demand for an investigation of the problem, one is entitled to know what kind of demand the hon. Member expects. Sir, the hon. Member does not seem to have protested against the appointment of the Enquiry Committee at its inception. On the other hand, he has sat and worked in the Committee but now he says that the enquiry was not called for.

"Sir, it is seriously argued by him that landholders have built hospitals, are preserving and maintaining temples, and have also made munificent gifts for the progress of education. I am not disputing that statement. But is he not aware that in almost every estate, yearly large sums of money by way of resooms, either in the name of a deity, or the zamindar himself or otherwise, are being collected? Would it be unfair to state that the gifts and the social services they are able to render are, after all, illegal exactions from the people rendered back to them in some shape or other?"

"Sir, it has also been seriously contended by him that the Government, though collecting land-cess from the zamindars, have not been able to construct roads in zamin areas and so the zamindars have been in good company with the Government. I put it to the hon. the Zamindar if for the last 17 years his own party was not in power in Government and the local boards and whether it would not have been possible for them to improve communications in those areas, if they willed.

"Sir, the bogey has been raised by him and some other hon. Members as well that no reform in the condition of zamin ryot can be thought of, unless the under-tenant, the actual cultivator of the soil is associated in that reform. With due deference to them, I would mention that the evil depicted by them is not so rampant in zamin areas and when it is found out to be a growing and an outstanding evil, it will deserve to be stamped out. In zamin areas, the ryots owning extensive landed properties are few and far between and even they do cultivation on their own account, without leasing to others. The leases filed at the time of the enquiry on behalf of the zamindars do not and cannot indicate a condition of affairs wherein the interference of the State is immediately called for. This House will be highly obliged to the hon. Mr. Langley and the hon. Mr. T. T. Krishnamachariar if they would furnish the sources of their statistics about the evil portrayed by them in such lurid colours. May I mention to them, with due respect, that all reform cannot be undertaken at one stroke, that a crying evil need not wait for cure for the sake of another smaller evil and one good step firmly

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taken will surely lead on to other steps as occasion arises? I would wish to know how the hon. Mr. Langley would be able to reconcile his delicate evolutionary conscience, if the wholesale reform suggested by him were to be attempted by the Government in one lump. More than one hon. Member of this House has pointed out that an expert committee should be appointed to go into this very question over and above this Committee. On an examination of the personnel of the Committee, we find among them gentlemen of profound experience, learned in law and occupying high positions in life. If such a Committee is not competent to deal with the problem, I do not know who else can. Further, experts in estate law and administration have also been examined. To me, Sir, it looks as if it is an insult to this House, to entertain any idea of a second Committee when a Committee of legislators duly chosen has come to definite conclusions after due enquiry into the matter.

"Sir, it has also been seriously urged that the solution offered by the majority of the Committee was never sought by any of the witnesses. I would refer the House to a passage in page 9 of the Andhra Provincial Congress Committee Report about the matter in issue, where a plea is put in for a correct interpretation of the relationship between zamindars and tenants, if at all the Permanent Settlement cannot or will not be abolished by the present Government.

"Sir, another point has been made that the zamindars have been discharging their trust properly and as an indication thereof, it has been stated cultivation has doubled or trebled and population has grown. I submit that population has followed the natural trends of growth and having no other occupation, the increased population has taken to agriculture, whether it paid or not. It would be really a matter for investigation whether the growth of population in zamindari areas was, after all, much when compared with that of ryotwari villages. Sir, it is an admitted fact that zamindars have absolutely neglected the maintenance of irrigation works in their charge and yet collected from the ryots very high rents. In the matter of the enjoyment of forests and pasture lands known as kanchas, the zamindars have denied to the ryots their immemorial rights and subjected them to untold sufferings. While these are the patent facts, how can it be said with any regard for truth that they have been discharging their duties properly?"

"One other point has been urged that while re-settlements in ryotwari villages are made, why should not landholders have their re-settlements? The simple answer to this is that the increase of revenue in one case goes to the State, which spends it for the public benefit; whereas in the other case, it goes to the coffers of the private individual, who irresponsibly spends it according to

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his sweet will. The hon. Zamindar of Mirzapuram has conceded that the disparity between the Government rates and the zamindari rates is due to the reduction in Government rates at a later date. Why then follow Government methods in increasing revenue only, but not in reducing it?

"Doubts have been expressed about the practicability of conversion rates. I will just explain how, as dealt with in the report, those rates can be worked out to the advantage of the ryots in Nellore district, with the help of the material now available. Some of those estates are ancient ones claiming feudal origin like Venkatagiri and Kalahasti. The unit of measurement there in olden days was what was called a *gorru*. According to the calculation given in Strattons' report, that *gorru* measured about 4.70 acres. The *gorru* taken as the present standard of measurement in those estates comes to 3.125 acres. Apart from the other factors connected with the conversion rates, I am certain this will give some relief to the ryot there. While the survey and settlement operations themselves take an inordinately long time and labour. I do not see why any preference need be shown to the ryotwari rates.

"Sir, I support the amendment moved by my hon. Friend, Kala Venkata Rao."

7-30
p.m.

* SRI. B. VENKATANARAYANA REDDI:—“అధ్యక్షా! ఈ విషయమై శ్రీ ప్రధాన మంత్రిగారునూ, ఇతరులకు పవనసించిన నామిత్రులు కొందరు వర్క నెంటు సెటిల్మెంటు వ్యాఖ్యానమును గూర్చి న్యాయశాస్త్ర ప్రకారము నివర్తమెంటుకు చెల్లించే పేక్సును తోచుట రైతులు చెల్లించు శిస్తును గూడా ఎప్పటికిని మార్చుటకు వీలులేకుండా స్థిరముచేయుటకు దాని యద్దేశ్యమని రుజువు చేసినారు.

“ఈ వ్యాఖ్యానము లా ప్రకారం చెల్లదగినదేగాక నేడు జమీందారీ ప్రదేశముల లో ప్రబలిత పరిస్థితులనుబట్టికూడా ఇది న్యాయమని ఈ సభవారి యెదుట కొన్ని ముఖ్యాంశములు నివేదించెను. పర్వతెంటు సెటిల్మెంటు నాటికి మనరాజధానిలోని జమీందార్లందరిని రాగల ఆదాయము ఘనము 80 లక్షరైయండ్ల ఇపుడు దాదాపు రెండు కోట్లరైయండ్ల వరకు పెచ్చింపు కాబడియున్నది. ఈ పెచ్చింపెల్లు జరిగెను? జమీందార్లు చెప్పే కారణములు యదార్థములు కావు.

“జమీను రైతుగాను, ఒక భాగములోని జమీను రైతుల ప్రతినిధిగాను, నాకుగల అనుభవమునుబట్టియు, ఆంధ్రరాష్ట్ర జమీన్ రైతుసంఘంవారు గావించిన తనిఖీ పత్రాలనుబట్టియు ఈ క్రింది కారణములవలన శిస్తులు క్రమక్రమముగా అక్రమముగా పెంచరినయే మనవిచేయుచున్నాను.

“(1) ప్రధమమున యీ జమీనులలోని గ్రామములలో, గుత్తదార్లు, యిజారాదార్లు, ముస్తాదార్లనే ఇమీలేజ్ జమీందార్లను కల్పించి గ్రామ దళులతో ఇంకను కొంత మొత్తము చేర్చి వీరిని వసూలుపరచి తమకు చెల్లించమని ఏర్పాటు చేసుకునేవారు. ఈ తరగతివారు పలుకుబడి గలిగినవారగుటచేతను, వీరికి వెనుకనున్న జమీందార్లు

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మధ్యలోను వీరు వీరి యిష్టానుసారము రైతులను లొంగదీసుకొని వసూలుచేసుకుంటూ నిర్ణయించబడిన మొత్తము జమీందార్లకు చెల్లిస్తూవుండేవారు. వీరైననూ స్థిరముగా లేక జమీందార్ల అనుగ్రహమున కేకారణముననయిన చాత్రులు కాకపోయినచో వీరిస్థానే కొత్తవారు నియమించబడేవారు. యీ తరహాగా యీ తరగతి వారి వలన క్రమక్రమముగా రాబడి పెంచుకుంటూ చివరకు స్వయముగానే ఆఖరున ఈ గుత్తదార్లు వసూలు చేయుచుండిన మొత్తములను రైతులవద్దనుండి వసూలుచేసుకొనుచూ ఈ విధముగా కొంత హెచ్చు చేసుకొన్నారు.

“(2) 1871 లో చొక్కలింగం పిళ్లగారి తీర్పు ఆనంతరం ప్రతి ఎస్టేటులోను రైతును భూమిలోనుండి తొలగించెదమని బెడరించి క్రమక్రమముగా కొంత హెచ్చింపుచేసుకున్నారు.

“(3) ఆదిలోవున్న గరిత, పుట్టి, గొర్రు, మొకలుగాగల కొల్ల ప్రమాణములు యకరములలోనికి మార్పించి ప్రైవేటు సర్వే చేయించి కొల్ల మానముల ప్రమాణములు తెలియని రైతులకండ్లు కప్పిపుచ్చి సరిహద్దులు కించిత్తయినా మారకపోయినా యకరముల రెక్కను వెంచి అందువలన అపారముగా శిస్తును పెంచినారు.

“(4) తరము:—తరములు సర్కారు భూములనుదూచి అప్పట్ల ఒక పద్ధతిగాను, శాస్త్రీయముగానూ చేసినను ఇచ్చటమాత్రము అట్లుగాక వీరి యిష్టానుసారము వీరి బంధువర్గానికిన్ని ఆ సమయములలో కొన్ని గ్రామములలోని పెత్తనదార్లకు మాత్రము కొంత లాభములు చూపి తక్కిన అమాయకపు రైతుల నందరిని వంచించి వీరికి ఆ ద్వారా గ్రామ కాలును, తరము తప్పిళ్లు చేసి కొంతవరకు హెచ్చింపుచేసుకున్నారు.

“(5) వైరవారి:—వైరనుబట్టి శిస్తును నిర్ణయించుట ఆశాస్త్రీయమైననూ, చాలా జమీందారీలలో వైరనుబట్టి శిస్తు విధించుటవలన కొంతభాగము హెచ్చింపు చేసుకున్నారు. వెంకటగిరి యెస్టేటులో కనూరి పద్ధతి అనుపేరుతో రైతులు పసుపు వేసుకున్నా, లేక పోయినా, యకరా ఒకటికి 3 రూపాయలు చొప్పున జమీందారుకు చెల్లించునది చూడు సంవత్సరముల కొక పర్యాయము. అకు లోటులు వేసుకొన్నచో యకరము ఒకటికి 70 రూపాయలు వరకు చెల్లించుట, వెంకటగిరి, కార్యేటిపగరములలో రాగి బొంబు పండు ప్రదేశాలకుకూడా యకరము ఒకటికి రూ 2 రూపాయలు చెల్లించుచుండిన ప్రదేశములు కొన్నిగలవు. పుంగనూరులో వెరకు వేసుకుంటే “తిరు ఫసలి” పద్ధతిని మొత్తము శిస్తుకు మూడింతలు చెల్లింపవలెన.

“మిరియమున కొక రేటు, దవనమున కొక రేటు, పాగాకు కొక రేటు, వేరుశనగ కొక రేటు, ఈ విధముగా వివిధ వైరకు వివిధ రేట్లు కట్టి నిస్సహాయులగు రైతులవద్ద వైరనుబట్టి రేట్లను పెంచినారు. ఇందువలన విలువగల వైరను రైతు సాగుచేసుకొనవలసిన కక్కియేవారికి లేకుండా పోయినది.

“(6) కొన్ని జమీనులలో చెరువులు మొదటి తరగతియని, రెండవ తరగతియని తరగతివారిగా విభజించి తరగతి వారిగా కొంతపన్ను పెంచినారు. అన్ని తరగతుల చెరువులు కూడా దుస్థితిలోనేయున్నవి. వీటికిందనున్న భూములలో ఓరుకారు, యురుకారు భూములని ప్రత్యేకించి అద్వారా కొంత పెంచినాది. ఓరుకారుకే

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నీరు లేకుంటే ఇరుకారుకు అసలేవుండదు. జలాశయములు రివేరు చేయకున్నా, వద్దతి ప్రకారం శిస్తు మాత్రము వసూలు చేయచున్నారు.

“(7) కొన్ని జమీనులలో మెరక పాలములలోనుంచి దిగువ నున్న రయితు వల్లపు భూమిలోనికి వచ్చే వర్షపునీరును, తన పాలములోనే నిల్వచేసుకొని ఆ నీటితో సాగుచేసుకొన్ననూ వల్లపు శిస్తులేవసూలుచేయచున్నారు.

“(8) ములుం జరిబు.—మెరక పాలములలో రైతు తాను స్వంతముగా భూమి త్రవ్వించుకొని సాగుచేసుకుంటే రూ 10 లు మొదలు రూ 40 ల వరకు యేకరము ఒకటికి వసూలు చేస్తున్నారు. ఇటీవల జమీందార్లకు పెరిగిన ఆదాయములలో చాలా భాగము ఈ విధముగా వసూలుచేసినదే.

“(9) రైతుయొక్క పట్టాలోనే తాను సాగుచేయు మాగాణిని బట్టిగాని ములు మును బట్టిగాని తన పశు పోషణకు కొంత మెరక భూములుకూడా అవ్వట్లే శిస్తు మినహా యింపుతోవుండేది. ఇటీవల సదరు మెరక భూములను వేరు చేసి వాటికిన్ని, దామాషాను చెల్లించమని రైతులను బలవంతముచేసి వసూలు చేసుకొనుచున్నారు. మాగాణిలో కలిసిన మెరకకు మాగాణి రేట్లు కట్టి ములుం భూములలో కలిసివున్న మెరక భూమిని ములుం రైల్వారి వద్దతిగాను కట్టి అన్యాయముగాను, అక్రమము గాను రేట్లు హెచ్చింపు చేసుకొనుచున్నారు.

“(10) అడవులు, కంచెలు, సాముదాయకభూములు అనాదిగా రైతులు యే ప్రతి ఫలము ఇవ్వనక్కర లేకుండా తమ వ్యవసాయమునకుగాని, గృహవాతయోగము నకుగాని అనుభవించుకొనుచుండగా, ప్రారంభమున కొద్ది మొత్తములతో ప్రారంభించి ఇప్పుడు వికరీతముగా పెంచి అవన్నియు తమ హక్కుయనుచున్నారు. వీటి ద్వారా కొంత భాగము తమ ఆదాయమును హెచ్చు చేసుకొన్నారు. ఈ సందర్భమున రిపోర్టులో శ్రీ మీర్జాపురం జమీందారుగారు ప్రకటించిన వ్యతిరేకాభిప్రాయమునందు వెంకటగిరిలోని కంచె శిస్తులు చాలా సవ్యముగానున్నవని ఉదహరించినారు. అవ్వటి పరిస్థితులు క్లుప్తముగా వివరించెదను. ప్రథమమున రైతులు శిస్తు తప్ప ఇంకే మియు చెల్లించనక్కరలేకుండా అడవులు కంచెలు ఉదయోగించుకొనుచుండిరి. మూడు 80 సంవత్సరములకు యిటీవలనే కొద్దికొద్దిగా ప్రారంభించి ఇప్పుడు వికరీత మైన మొత్తములకు చేర్చినారు. రూ 16 లతో ప్రారంభమైన ఒక గ్రామకంచెను మూడు 1,000 రూపాయలవరకు పెంచిన దాఖలాలున్నవి. మూడు 100 రూపాయలు ఆసలు కంచెశిస్తుయియుండగా ఇతర శుర్వలతో రూ 800 లు అపరాధము చెల్లించుకొన్న దాఖలాలున్నవి. రైతులలో ఒకరొకరికి ఒక గ్రామానికి ఇంకొక గ్రామానికి తకరాలుపెట్టి కంచెలు పోటీలుచేయించి తమ ఆదాయమును పెంచుకున్నారు. చివరకు వారి యిష్టానుసారమై, వారి సమ్మతి ననుసరించియుంటేనేతప్ప రైతులు డబ్బు చెల్లించినా, కట్టెలకుగాని కంచెలలోనికిగాని పోనూడదని సర్వవిధముల రైతును లొంగిపోని వి సందర్భముతోనైనా తమ యీష్టితములు నెరవేర్చుకొనుచున్నారు. అత్తగౌరవముగల రైతుకు అన్ని విధములా కష్టములే. వీటి నాధారముచేసుకొని అవిధేయ రైతులపై క్రిమినలు కేసులు వివరీతముగా పెట్టిరి. అడ్డగింపుకేసులకు అంతులేదుగదా! గొ!! అధ్యక్షా! ప్రపంచములో మీరు కనివినియెరుగని కుండటి ఖాసీకేసు, అడవివండుల మర్దరు కేసులు రైతులమీద పెట్టడము, తద్వారా రైతులను నాశనముగావించడము జరుగుచున్నది. ఇందుకేనా వీరి కిది యుండవలసినది?

26th January 1939] [Sri B. Venkatanarayana Reddi]

“1908 వ సం॥లో ఈ కంచెలలో రైతులకు హక్కువస్తుండనే అనుమానముతో అన్ని గ్రామముల కంచెలు తమ దివాను తక్కునిపేర విలియామరిచినట్లు రికార్డుచేసుకొని అతనిపేర గ్రామస్థులవద్ద కేభుళ్లు వ్రాయించుకొన్నారు. వీటిపై హక్కు వీరిదేఅయితే ఈ తన్నులన్నియు యెందుకు వేయవలసినవచ్చెవో? ఈ సంవత్సరముకూడా బవ్వలకూర పాడు కంచెను మూడింతలు పెంచి ఇంకొక గ్రామమున కిచ్చిరి. ఇదేవిధముగా తమ ఆదాయమును అక్రమముగా పెంచుకొనుచూ రైతులను బాధ పెట్టుచున్నారు. వెంకటగిరి తాలూకాలో కంచెలు మొత్తము వివరీతముగా పెంచినందున చెల్లించలేము, ఇతర గ్రామాలకైనా వెళ్లదమని రైతులు కంచెలకు కేభుళ్లు వ్రాసియివ్వకమానుకోగా రైతులను నిర్బంధించి, అన్ని విధముల దళదళస్వములచేసి దిక్కుమాలిన క్రిమినలు కేసులుపెట్టి ఒక్కసంవత్సరములోనే రెండువేల రూపాయలు రైతుల పశువులను బందెదొడ్లలోబెట్టి వసూలుచేయించారు. ఇటువంటి దళదళస్వపుగాధలు అపరిమితముగా నున్నవి. శ్రీ మీర్జాపురం జమీందారుగారు సవ్యముగా రేట్లున్నవన్న వెంకటగిరి జమీనులోని ఈ దృష్టాంతము గమనింపదగియున్నది. వెంకటగిరి తాలూకాలోని రెండు పరిసర గ్రామములు అడవి సరిహద్దునుగరించి తగాదాపడి పాపము! తాము అనాదిగా అనుభవించుచున్నాముగదా యేనే సమ్మకముతో కోర్టుకువెళ్లి వేలకొంది ఖర్చుపెట్టుకొని సదరు అడవులపై హక్కు జమీందారుదని నిర్ణయముచేసుకొని చట్టము తమ అనుభవమునకు ఆచారమునకు విరుద్ధముగానున్నదని ఆనాడు తలచిరి. కాని అప్పటివరకు తమవే అడవులని భావించుచుండిరి.

“11. ఇవిగాక ధాన్యరూపకముగానున్న శిస్తును హెచ్చుధరలువేసి వీటికితోడు మామూళ్లు, మీరలు, మాడలు, గుర్రపుమామూళ్లు, మహాసూలుదారీ, సాదల్వార్, మాదిరి కేసులు, పట్టా మామూలు మొదలైన అనేకవేర్లతో అనేకరకములుగా అక్రమముగా వసూలుచేసుకుంటూ కొంత హెచ్చింపుచేసుకున్నారు. ఇవిగాక ఎట్టేట్టు ల్యాండు ఆక్టరుగానే రూపాయికి రెండణాలు హెచ్చుకావలెనని దావాలువేసి, విజయనగరం, పిఠాపురం, కాట్రాపులపల్లి వగైరా అనేక జమీనులలో డిక్రీలుపొంది తద్వారా కొంత హెచ్చింపుచేసుకొన్నారు. దావాలువేయకనే నిర్బంధించి తదితరచోట్ల హెచ్చింపు చేశారు.

“అదినపున్న సుమారు 80 లక్షలను వైన వివరించిన ప్రకారము క్రమక్రమముగా రైతులను నిర్బంధించి అక్రమముగాను, అన్యాయముగాను రెండు కోట్లకువైగా హెచ్చించారుగాని ఇంకేసవ్యమైనకారణాలవల్లను హెచ్చించలేదు. ఇట్లు రైతులను బాధించి అదిన పున్న మొత్తమునకు మూడింతలు శిస్తు విధించి యించుమించు 50 సంవత్సరములనుండి రైతుల రక్తమాంసాలను పీల్చి తల్యగతముచేసిన యీ జమీందారివద్దతి యింకనూ నిలచి యుండుట సమంజసము కాకపోయిననూ శ్రీ ప్రకాశం కమిటీవారు దీని నింకనూ 1802 వ సం॥పు రేట్లతో వుండవలసింది.

“128 వ సంవత్సరములనుండి తాము అక్రమముగా అనుభవించిన కోట్లకొంది రైతుల రుధిరకణస్వరూపమైన కోట్లకొంది ధనముతో తృప్తివెండక సద్భావముతో తయారుకాబడిన యీ కమిటీలోని మెజారిటీ సభ్యుల సూచనలపై తిరుగుబాటు చేయటం కేవలము అధర్మము.

26th January 1939]. [Sri D. V. Ramaswami]

in the course of evidence taken, or that it was not mentioned in the report submitted to the Special Committee appointed by the Andhra Provincial Congress Committee presided over by the President of the Andhra Provincial Congress Committee and assisted by hon. Mr. Ramdas Pantulu and others. What I submit is that in the case of *podu* cultivation there is absolutely no rhyme or reason or discrimination. With regard to the grant of lands to cultivators, there is no fixity of rate or fixity of tenure. Besides this, the cultivators are also generally exposed to a large number of forest cases, in which heavy compounding fees are levied for the simple reason that their cattle strayed away, or that for the sake of manure, they set fire to trees which are not permitted to be set fire to.

“ Secondly, there is also the cultivation called the *eru* cultivation. The land given to the ryot is dependent upon the plough cattle that he is able to utilise. In this case also the ryots are at the absolute disposal and arbitrary discretion—or indiscretion I would say—of the landlord. As an illustration I can point out a case where these tenants in the Agency tracts of Salur were forced to compulsorily clear the jungle on the zamindar’s promise that they would be granted patta when the whole thing was cleared. On this promise they cleared more than 600 acres of land and then the landlord wantonly and heartlessly assigned these lands to some foreign missionaries composed of some Anglo-Indian gentlemen from distant Bengal, much against the protests and entreaties of these poor people who sweated and who underwent much hardship to convert the jungle into fairly cultivable land.

“ Next I submit, Sir, that there is a very bad practice there,—of course attempts are now being made to put a stop to it, by the Hon. the Premier—namely, compulsory vetti labour. For vetti labour the people are not paid. The question has again come to prominence, but in spite of the printed circular despatched by the Hon. the Premier and circulated in the area, we find this in practice, still. They do not give even a pie for their services. Some vouchers are even manufactured for the purpose of showing that they are not extracting vetti labour and to clear the superior officer's conscience. I do not mind their doing labour as any other labourer for a wage. What is really done is, it is not only for the landholders, that these people are compelled to do free labour but also they have to do service to the officers, to their families and their relations and even friends. This is practically a very long-standing grievance especially with regard to my part of the country, that is the constituency which I represent, and there is a hue and cry against it. This is a real grievance and I earnestly plead that this should be removed early.

“ There is another aspect with regard to the muttadars. They are something like a zamindar in a village. These people, instead

* **SRI D. V. RAMASWAMI** :—“ Mr. Speaker, I do not propose to go into the several matters that are really important in regard to this very valuable report that has been prepared by the Hon. Revenue Minister and his colleagues in the Committee. I simply tender my heartfelt homage to them. But I feel I would be failing in my duty if I do not bring to the notice of Government one or two matters with regard to the position of tenants in the partially excluded areas comprised in the zamindari tracts of our Province. In doing so, I would invite the particular attention of this House to four or five chief grievances of these unfortunate people. Their position is far worse than that of the tenants in the plains, as it is only a pittance they get from the system of tenure under which they have to eke out their livelihood. These unfortunate people, besides having the usual difficulties facing the tenants in the plains, have to confront certain special difficulties and disabilities. For one thing, the malarial nature of their tracts cuts short their lives, as the statistics with regard to the Agency population will show. Their main grievance is with regard to the grant of *podu* cultivation. I do not mean to say that this was not pointed out

[Sri D. V. Ramaswami] [26th January 1939]

of doing the regular duty that is cast upon them, namely, being responsible for a certain amount of fixed revenue, are accustomed to levy all sorts of exactions; if there is to be a marriage in the family of a tenant, he must pay so much to the muttadar and if there is a marriage in the house of the muttadar, then again the tenant should pay so much to the muttadar as present. In my opinion the tenant is subject to all sorts of exactions by the muttadar. I am afraid the muttadari system should go along with the zamindari system, as both of them in my opinion stand condemned. Again, Sir, on account of the absolute illiteracy that is prevailing there no notice is served when sales in execution of decrees are being conducted, and when the poor people say that they did not receive notice, some sort of a defence is made, and they make it appear that these notices had been served—this is known to courts and the powers that be. As these people are illiterate, sales of lands are managed without observing any of these legal formalities, like serving of notices, etc., and somehow or other they show that these formalities had been observed and after it is too late, these tenants understand that their lands have been already sold without any notice to them and without any opportunity for them either to question or to defend or to make their payments by some means or other.

“ I would only refer to one more point, Sir. There is what is called the ‘monopoly’ system. During the course of evidence before the Estates Land Act Enquiry Committee when these agency people were questioned, ‘ Why do you have this monopoly system? ’ the estate officials said, ‘ We observe this entirely in the best interests of the ryots, because, they are certainly sure of the purchaser. When they take the produce to the market, immediately these materials are purchased. ’ But Sir, behind this, there is a very deep injustice done to the ryots. These people can sell only to the particular person and at rates which are absolutely not under the control of the individual ryot who sells. These monopolies are created as they are not allowed to get their produce to other market places. Moreover, there are no proper roads for them to take their produce to other places. Owing to the unfortunate financial position of our Province, in spite of their cries, and even though the Government recognize the necessity of civilizing the people of the Agency tracts and improving them to the same level as the plainsmen, the Government are not able to find sufficient allotment for the rural communications in the Agency areas. But, this step will help in the economic regeneration of these people; not only that, it will also help in political and other progress and also in training them in the conduct of the present day affairs of the country. Therefore, I humbly plead that more attention may be paid to these Agency tracts. These rural road schemes may be made applicable to them. We should pay more attention to these people who are more oppressed and

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subject to greater hardship and privation on account of their peculiar position, illiteracy and poverty.

“ With regard to the legality of the Report or the Bill, as the Hon. the Premier said, there is nothing to prevent the people from being the owners of the land. There is nothing either in the Government of India Act or even according to natural justice that can deter this House from legislating for the good of the people, as has already been said. Legislation can certainly be initiated in this House; the relation between the landlord and the tenant under the Permanent Settlement Regulations can certainly be dealt with by this House. Therefore, I submit, while I support most heartily the amendment moved by Mr. Kala Venkata Rao, I hope, that a piece of legislation on these lines including the question of amalgamating Agency and non-Agency tracts would be brought forward or at least proper consideration would be given to the difficulties under which the agency people are suffering now.”

MR. SPEAKER:—“ Does Mr. Ramakrishna Raju want to speak now? ”

* SRI R. B. RAMAKRISHNA RAJU:—“ If you will permit me, I shall speak, Sir. If the House rises at 8 . . . ”

MR. SPEAKER:—“ The House may rise at any hour. The House will rise at the proper hour. You have come prepared, so you can finish your speech in 10 minutes.”

* SRI R. B. RAMAKRISHNA RAJU:—“ If you will excuse me for saying so, Sir, we are at a disadvantage as we are coming after the Hon. the Premier. All the same, I will say a few words as this is an all important question.

“ If the Raja of Bobbili characterized the speech of the Hon. Mr. Crole as a masterpiece, the majority Report is an epoch-making document which will be remembered by posterity as the greatest landmark in the history of tenancy legislation and hailed as a Magna Charta by the zamindari ryots. Even the worst critics of the Report cannot fail to see and acknowledge its transparent sincerity, the passion for justice and the burning desire to elevate the condition of those unfortunate tenants whom we call our fellow beings. While being so, it pains us very much on this side of the House—and the feeling seems to be shared by many on the opposite side as well—to hear the hon. Member, Mr. Langley characterize it as having been conceived in hatred and delivered in malice. Is it hatred, Sir, to love one's fellow beings and is it malice Sir, to seek to redress their grievances? I listened to the fairly long speech of Mr. Langley with all the attention it deserved . . . ”

MR. W. K. M. LANGLEY:—“ On a point of personal explanation, Sir. I only pointed out the characteristics of the draft Bill as such; I never referred to the Report in the way the hon. Member has suggested.” (Hon. Members: Oh !)

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* SRI R. B. RAMAKRISHNA RAJU:—"I stand corrected, Sir. My remembrance was that he characterized the Report as such."

SRI B. S. MURTI:—"On a point of order, Sir. May I know whether the word 'malice' is parliamentary?"

MR. SPEAKER:—"If the hon. Member had raised the question at the time when Mr. Langley used it, I would have given the ruling."

* SRI R. B. RAMAKRISHNA RAJU:—"I listened to the fairly long speech of Mr. Langley with all the attention it deserved. It is unique in the sense that not even a stray sentiment of pity for the toiling millions escaped him, even by inadvertence. Shall I characterize his speech as callous and unmindful of the realities of the situation? I will be doing him an injustice, Sir, if I imagine that Mr. Langley is such a lotus-eater as to live in a paradise of his own. Though it is quite possible that he is running a model farm and plantation where perhaps his cultivators and labourers are well looked after and live a contented life, his plantation is not the whole of India or even the Madras Presidency. He cannot certainly be oblivious to the squalor and abject poverty in which millions in this land are dragging on a miserable existence. Let him take any village at random, preferably a village in a samin area and see for himself. He will be the first to recognize the absolute truth of the remark of the Circuit Committee that the villages in this land are wretched hovels and tenants do not get even a bare subsistence. That statement is as true to-day as it was in 1802. If anything, the situation is much worse and heart-rending and I am sure Mr. Langley would be the first to shed tears of blood and even characterize the Hon. the Revenue Minister as the moderate of moderates. If the conditions that exist to-day in this country were to exist in any other country, for instance, Mr. Langley's, I shudder to think of the results.

"I do not propose to enter into an exhaustive interpretation of the regulations and the historical background of the whole question, for none can improve on the masterly statement of the Hon. the Revenue Minister and repetition therefore is unnecessary. I, therefore, propose to proceed on what I may call *a priori* grounds and arrive at the same results. Law may mislead us and even history may not help, but a realization of the fundamental truths of human existence can never lead us astray.

"'Who is the owner of the soil?' is the all-important question. The word used is 'owner' and deserves specially to be kept in mind. The Hon. Minister referred to various quotations from eminent men and administrators for the position that the ryot is the owner, while the landlords claim on equally eminent authority not excluding the divine right, that they are the owners of land.

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However eminent the persons who make such statements might be, they cannot be accepted if they offend against our sense of natural justice. Let us examine this question from that standpoint. One of the grounds on which the zamindars base their claim is that some of these zamindars were feudal chieftains and rulers of the country in the past. I think their case becomes much weaker if they put it on that ground. In no period of History can it be said that the Sovereign owned all the land. The State, whether monarchic or democratic, has no private rights of its own and exists only for the State as such. Rulers come and rulers go, but the individual is always there on the land. If therefore on a particular day the Permanent Settlement was effected, can it be said, Sir, that from that time the zamindars became owners of the land? The man was already there when the Settlement came. I therefore submit, Sir, that even before 1802 no zamindar could say that he was the owner in every sense of the term as Mr. Langley put it."

MR. ABDUL HAMEED KHAN:—"He would require at least half an hour more."

MR. SPEAKER:—"Not at all. I think the prophecy is incorrect."

* SRI R. B. RAMAKRISHNA RAJU:—"Then to come to the Regulations. In the preamble they begin by saying: 'Whereas it is known to the zamindars . . . in the territories subject to Government that the public assessment of land revenue has never been fixed,' etc. This is how they construe these words in the famous Board's proceedings 7743—printed in page 163 of the Appendices. Although various interpretations were put upon these Regulations the Board had come to the conclusion that in those statements there was nothing inconsistent with the admission that the right of the ryot in his land is that of landowner, and not of a mere tenant. Then at page 184 they say:—

'In conclusion the Board desire to record here some remarks on the very lax assumption that ryots pay rent to the zamindar as landlord, and not a tax due to the State and to the zamindar as the person entitled by law to receive the State dues; the Board view this assumption as one of the fundamental errors in which these mistaken views of the relation of zamindar and ryot originate.'

I beg to ask Mr. Langley through you, Sir, what language is this? Is this the same language that we speak? Were the members of the Board of Revenue speaking the same language which Mr. Langley is speaking? If I am not speaking the same English language the mistake is not mine but that of my professors who are Mr. Langley's countrymen. I therefore submit there is absolutely no ground for the position that the zamindar is the owner and there is every evidence for the position that it was the ryot that was the owner and not the zamindar.

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Then I would like to illustrate it, Sir, by another example. In 1802 when the Permanent Settlement was effected it was not only the cultivable land that was given to the zamindar but also the inhabited portion of the zamindari which consisted of towns and villages. Can it be said that the zamindar became the owner of these inhabited portions of the country also? Could it be said, Sir, that he has the right to turn out the people and claim ownership? If he cannot do it in the case of houses he cannot do it in the case of cultivated land either. There cannot be any difference between the two. One is for living and the other is for agriculture, the source of livelihood. It is unnecessary to labour the point. It is absolutely certain that the cultivator is the owner and the zamindar or Government are only tax-gatherers and they utilize the tax for public good.

On page 371 of the Report, Sir, we find that even the Zamindar of Mirzapuram cites a quotation that ancient chieftains had no rights to transfer their principalities. That further supports the theory and there is therefore no use of depending on such vague terms as '*Bhupathis*.' I have extracted a great deal but I consider it unnecessary to go into details further. But, I would submit that even a cursory reading of the Circuit Committee Report, the Patta Regulations and the Karnam Regulations will show clearly that the intention was to better the condition of the ryot first before everything else. The Circuit Committee says: the ryot has been harassed by the zamindar; there is no fixity of tenure; there is no fixity of rent. That is the first object with which they begin the procedure. Then follows the Permanent Settlement. That is said to be for the betterment of the cultivator. Can it therefore be said that when they actually come to putting things into practice the zamindar's position alone was secured and the ryot was left in the air, as Mr. Langley put it? It can never be so, especially after having said so much for the ryot. If Mr. Langley would believe that these gentlemen left them in the air, I do not know what to call them. It cannot be denied that those noble-minded Englishmen—as the Hon. Revenue Minister put it; they were really noble-minded—wanted to make the position of the ryot as secure as ever. I therefore submit that it is absolutely clear that while on the one hand the peshkash was settled, on the other they did want the zamindar to enter into definite agreements with the tenants. It was said that though this was their intention, it was not put into effect. But in my experience I can say that the agreements of the tenants were also permanently fixed. In the Karvetnagar estate we find pattas were exchanged in 1802 on definite basis for specific rates and the same rates and the pattas continue even today. I have seen pattas issued even before the year 1802. But our difficulty is different. Our complaint is that there is no tax on land as such. The rate is fixed on each crop as so much grain and cash per gunta of land cultivated with that crop. The tax is therefore

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on crops. If you raise this crop it is so much, that crop, so much, another crop, so much. Thus, on the same bit of land the ryot will have to pay twice or thrice in a particular year for different crops at different rates. That is the regrettable thing from which the ryot in the Karvetnagar zamindari suffers. Therefore, it is necessary that this Bill which is to become an Act hereafter should indicate the basis on which some definite system of commutation may be introduced. No doubt, the Report says in one place, especially in page 257, that the whole area of the cultivated extent and the income thereon should be taken and divided so that you may arrive at a uniformity of rent in the Karvetnagar zamindari. This is open to two objections. First of all the incidence of taxation is itself heavy ranging from two to seven marakals per gunta. The second objection is that this calculation gives only the average of three or four taxes which the same bit of land pays for different crops in the same year. A slightly different principle ought to be adopted for estates like Karvetnagar zamindari. We welcome the suggestion made in the Report to constitute a Commission and I do hope that the Government and specially the Hon. the Revenue Minister will take up this aspect of the matter and see that in such cases proper instructions are issued so that the rates of rent are commuted on a reasonable basis.

"The next point to which I would like to draw the attention of the House is this. So far as the encroachment of tank bed is concerned the wholesome suggestion is made that the whole thing must be wiped out. According to the latest provision of the Estates Land Act we have to prove that the encroachment began within thirty years. So it is not possible for us to get evidence to eject even a single tenant. I have known personally of some valuable tanks worth lakhs of rupees rendered useless by these encroachments. So the suggestion that the whole thing should be wiped out is really welcome and acceptable. A great cry was raised, Sir, that this Report will benefit the middlemen. It passes my comprehension to believe that such a suggestion should be made. I wonder whether these gentlemen are living in this country. Do they know the conditions in the villages? Have they gone to the villages and seen things for themselves? If they had, they would know that the so-called middlemen are very few and that most of them are themselves the actual tillers of soil. The persons that will be therefore benefited are not the middlemen, especially in the zamindari tracts but are the actual cultivators. There can be no doubt about that.

"As regards forests the Report says that it is public property and must be in the possession of the Government. I submit that in the matter of the management of forests the income from the forests pertaining to each village must be credited to the income of that village and ear-marked for utilitarian purposes, especially for improvement of irrigation sources.

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"Then there is a last point which with your permission I will place before the House. Opinion seems to be unanimous that the zamindari system should go lock, stock and barrel. I do not know after hearing the Premier if it is a practical proposition. Anyway I put a special plea for the Karvetnagar Zamindari. It is in the hands of God Venkatachalapathi. He has no axe to grind. It is very easy for the Government to take up the said estate on the basis of compassionate grant or pension suggested by the Premier. Sri Venkatachalapathi, I am sure, will not object to that. It is very easy for the Government to convert the estate into a Government estate immediately so that those living in the zamindari may be the first to be benefited by this benign measure. Similarly, if any zamindar is willing to give up his zamindari there must be a provision in the Bill to compel the Government to do it. So I request the Government to take up the Karvetnagar Zamindari at once. With these few words, Sir, I thank you very much for having given me an opportunity to place my case before the hon. Members.

5 .m. MR. SPEAKER:—"The discussion on the Estates Land Act Committee Report including the reply of the Hon. the Revenue Minister will be concluded to-morrow. Hon. Members of this House who have bestowed much thought and made an elaborate study of the Report will be content with making very brief speeches before the reply is begun by the Hon. the Revenue Minister."

IV.—PETITIONS TO THE ASSEMBLY.

MR. SPEAKER:—"Before adjourning the House, I should like to inform the House that many petitions have been received from the public, as many as 14,448, from 5th January up to date and also 368 telegrams by the Chair. These petitions have been endorsed by hon. Members of the House, but somehow or other they have not been presented to the Assembly. The Assembly cannot take notice of them unless they are presented here. We find these petitions contain 56,431 signatures. With regard to these public petitions, it may be observed, hon. Members of this House have not been accustomed to the use of this Parliamentary weapon. Somehow all these years, under Dyarchy, this right to petition has been neglected. The right to petition is the birth-right of the subject. I would briefly state for the benefit of the Members what took place in the various Houses of Parliament with regard to this matter in previous years. In the 13th or 14th centuries whosoever wanted by peaceable means to get anything which was not recoverable in the courts of law addressed a petition to the King in that Great Council of which Parliament was at first regarded as a session. Legislation itself was for a long time initiated by the petition of the Commons or Clergy to the King in Council or in Parliament. In 1833, the Select Committee on public petitions held

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that wherever from the poverty of the petitioner, the power of his adversary, the insufficiency of the law or any other similar cause he could not obtain redress, then the Supreme Court of Parliament was to give him a speedy and effectual remedy. For the assortment of these petitions different arrangements were made from time to time. Edward I appointed receivers and triers. Till 1886 this practice survived in the House of Lords. Suitors who desired to use the legislative powers of Parliament to obtain a privilege, a change of law for their benefit or an exemption from its provisions addressed petitions chiefly to the Commons, sometimes to both Houses of Parliament and sometimes to the King in Council. These private petitions were of two kinds—petitions which asked Parliament for a remedy afterwards given directly by the Courts or the Council and petitions which asked for changes or exemptions from the law on behalf of individuals.

"Public petitions, i.e., petitions complaining of public grievances and asking for some change in the general law or some legislation to meet new circumstances were not common before the seventeenth century. Such petitions multiplied during the first years of the Long Parliament and after the Restoration, restrictions were placed on tumultuous petitioning on matters of public policy. The Bill of Rights asserts generally that:—'It is the right of the subjects to petition the King and all commitments and prosecutions for such petitioning are illegal'. In 1669 the House of Commons passed two resolutions declaring the principles relating to public petitions:—

"(1) that it is an inherent right of every Commoner in England to prepare and present Petitions to the House of Commons in case of grievance and the House of Commons to receive the same; and

(2) that it is an undoubted right and privilege of the House of Commons to judge and determine concerning the nature and matter of such petitions how far they are fit or unfit to be received."

"Then, later, in the House of Commons, Standing Order No. 77 was passed providing that in the case of a petition complaining of some present personal grievance for which there may be an urgent necessity for providing an immediate remedy the matter contained in such petition may be brought into discussion on the presentation thereof.

"Hon. Members may not have studied the Standing Order of the House of Commons which gives such a very important right to the House and to the public to present petitions regarding personal grievances on which the House is entitled to immediately proceed to the discussion thereof.

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In form a petition must satisfy certain requirements and those are:—

- (1) the petition must not be long;
- (2) it must be free from erasures or interlineations;
- (3) it must not be a simple memorial or a remonstrance; and
- (4) the petition must conclude with a prayer.

In matter, it must be respectful of the privileges of the House and free from disloyalty or expression of intention to resist the law.

Beyond this the inclination of modern times is to allow the widest latitude to the presentation of petitions. In the House of Representatives, of the United States of America, ordinary petitions follow the course of private Bills and are endorsed for reference by the member presenting them. Members presented petitions and made long speeches whenever the Speaker granted recognition. The custom of presenting petitions in the first hour became so deeply rooted that in 1809 Speaker Varnum ruled a resolution out of order when offered in that time. In early practice the House read all petitions presented and whenever it failed to act, tradition and sentiments raised the cry that the constitutional right of petition was impaired. The advent of John Quincy Adams and his numerous petitions praying for the abolition of slavery in the district of Columbia fomented increasing trouble and bitterness. Adams declared it 'a fundamental principle that the House had no right to take away or abridge the constitutional right of petition.'

"In the Dominion of Canada and New Zealand this right of petitioning is freely exercised. In the Dail and in all Parliaments all over the world this constitutional right, this fundamental right to petition has been recognized and it is the prevailing practice; and this Legislature consisting as it does of two component parts, the Crown as represented by the Governor and the two Chambers of the Legislature, is a full autonomous Legislature and as such the constitutional right of a subject to petition to the Legislature is perfectly sound and the Members that have signed the petitions if they so choose can present them to-morrow at 3 o'clock before questions are called."

The House then adjourned to meet again at 3 p.m. the next day.

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

* Notification appended to G.O. Ms. No. 120, Home, dated 7th January 1939, exempting from payment of the tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), the motor vehicles belonging to the members of the Auxiliary Force (India) mentioned in the Notification, for the period of their stay in British territory.

* Placed on the Table of the House on 25th January 1939.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 27th January 1939.

The House met in the Assembly Building, Chepauk, at three of the clock, Mr. Speaker (THE HON. SRI B. SAMBAMURTI) in the Chair.

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

I.—PETITIONS TO THE ASSEMBLY.

MR. SPEAKER:—"Under the existing rules, petitions to the Assembly must relate to some matter actually under the consideration of the Assembly and the Report of the Madras Estates Land Act Committee being now under the consideration of the Assembly, the petitions that are now proposed to be presented are in order. They may therefore be formally presented. Under rule 140, the Members presenting the petitions shall confine themselves to a statement of the parties from whom they come, the material allegations contained in them and to the reading of the prayers of such petitions. The petitions received are as many as 14,000 and all of them relate, as I told hon. Members of the House yesterday, to the Report of the Estates Land Act Committee and contain a prayer to the effect that legislation may be introduced by the Government on the basis of that Report. The same common prayer is contained in all the petitions, though some of them incidentally say that the zamindaris may be abolished. The prayers and the allegations contained in those petitions need not be read by hon. Members presenting them in order to save time.

"The hon. Member Mr. Venkatanarayana Reddi will please present the petitions. When presenting them he may say, 'I present these petitions formally'."

Then Sri Venkatanarayana Reddi presented the petitions to the Secretary.

Then Sri D. V. Ramaswami also presented the petitions to the Secretary.

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of order, Mr. Speaker."

MR. SPEAKER:—"Let this be finished. Mr. Kala Venkata Rao will please present the petitions formally to the House."

Sri Kala Venkata Rao presented the petitions to the Secretary.

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MR. SPEAKER:—"I have already submitted to the House that there are something like 14,048 petitions containing 56,401 signatures and I have carefully looked into those petitions and they are in order under the rules."

"Now Mr. Abdul Hameed Khan may raise the point of order which he wanted to raise a few minutes ago."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Now that these petitions have been presented, there is no use in raising my point of order."

Then the following Members presented the petitions received by them:—

Sri P. Syamasundara Rao.

Sri B. Venkatanarayana Reddi.

Sri K. Shunmugam.

Sri B. Perumalla Nayudu.

MR. SPEAKER:—"Hereafter all public petitions shall be delivered to the Secretary of the Legislature at least one clear day before they are presented to the House so that they may be examined in the office as to whether they are in order."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"My idea is that the Member presenting a petition should read the prayer contained in the petition."

MR. SPEAKER:—"Hereafter it will be read. In order to save time, it is not read now. If we adopt that procedure, it will take at least three or four hours."

* SRI DIWAN BAHADUR A. APFADURAI PILLAI:—"Sir, Rule 138 of the Assembly Rules contemplates the presentation of petitions by individual citizens. So where is the necessity for individual Members of this House to present the petition?"

MR. SPEAKER:—"Because those petitions cannot be presented by individual citizens. Presentation of petitions must be done by a Member of this House on their behalf. Under the rules of procedure, it is only through Members of the House that petitions can be presented, and those petitions must also be endorsed by them. If hon. Members want more details regarding the procedure to be adopted in regard to the presentation of these petitions, I shall circulate a note upon the various conditions under which they should be presented, the manner in which they should be presented and all the other requisites pertaining to the presentation of those petitions embodying therein, for the information and enlightenment of the hon. Members, the Standing Orders of the House of Commons and the Parliament of the Dominion of Canada and other Parliaments."

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* MR. W. K. M. LANGLEY:—"I am rather a child in this matter, because I signed a petition once in my life and that was for the impeachment of Mr. Asquith. Could I be informed whether it is not the custom in the House of Commons, after the receipt of a petition, to merely place it on the basement of the House?"

MR. SPEAKER:—"In the House of Commons there is a Petitions Committee, all public petitions presented to the House are communicated to that Committee and it classifies them. There is a special procedure adopted in respect of these petitions. We are just now getting these petitions and we shall also constitute this Committee later."

* MR. W. K. M. LANGLEY:—"May I also ask whether those petitions were carefully examined? Will the 56,000 names contained in those petitions be analysed so that we shall know their respective standing?"

MR. SPEAKER:—"Their standing need not be mentioned. At that rate, most of the time of the House will be taken up. It is only with the signatures of those persons we are concerned, not even their names. The Member who presents those petitions must satisfy himself that they are not spurious or forged signatures. He is not concerned with the substance of the allegations contained in those petitions, because he is not a *vakil* or an advocate. He simply presents the petitions and what he is required to do is only to endorse them as to the genuineness of the signatures contained therein."

* MR. W. K. M. LANGLEY:—"I am sure all of us would gladly accept your certificate."

* SRI V. S. R. M. VALLIAPPA CHETTIYAR:—"May I know whether opportunity will be given to Members of this House to know the contents of the petitions and discuss them?"

MR. SPEAKER:—"The existing rules do not give an opportunity to Members for a debate on such matters. I read particularly the rules of the House of Commons in respect of this matter and here is a particular Standing Order which allows petitions to be debated upon when there is an urgent necessity for providing an immediate remedy for the grievance complained of. It is only in extraordinary cases that a debate is allowed."

* SRI V. S. R. M. VALLIAPPA CHETTIYAR:—"May I ask whether in the present case a debate on the petitions will be allowed?"

MR. SPEAKER:—"The Estates Land Act Committee Report is being thoroughly discussed by the House and the petitions really relate to the matter under the consideration of the House. So no debate is necessary."

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* SRI DIWAN BAHADUR A. APPADURAI PILLAI:—"I am very thankful to you, Sir, although we have been taken by surprise this afternoon with regard to this matter. However, there is one other point which I would like to bring to your notice. Under the rules, the petition must be duly signed; it must be in a particular form. This is what rule 138 says:—

1 Petitions to the Assembly must—

- (a) relate to some matter actually under the consideration of the Assembly;
- (b) be addressed to the members of the Assembly;
- (c) be dated and signed by the petitioner or petitioners;
- (d) be in respectful and temperate language; and
- (e) must not propose expenditure on public moneys or the imposition of any charge on public revenues.

"May I take it that these petitions have been examined and they satisfy the conditions laid down in the rule?"

MR. SPEAKER:—"Absolutely. Every one of them was examined."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"By whom, Sir?"

MR. SPEAKER:—"By the Chair itself."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Thanks."

MR. SPEAKER:—"Generally the Secretary to the Legislature will examine them. But it is only after the Speaker satisfies himself that the petitions are in order that they will be presented to the House."

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Representatives of depressed classes in the several departments of Government service.

* 690 Q.—SRI RAO BAHADUR M. C. RAJAH: Will the Hon. the Prime Minister be pleased to state—

(a) when the communal Government order prescribing the quota of appointments prescribed for depressed classes, in Public Services, was issued;

(b) what the prescribed quota of appointments in the Government Order for the depressed classes was in different departments of Public Service;

(c) what the number of appointments given to depressed classes was from year to year since the issue of the Government Order in different departments; and

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(d) whether the quota prescribed is maintained; if not, whether the Government will be pleased to make up the deficiency?"

THE HON. SRI C. RAJAGOPALACHARIAR:—" (a) & (b) The Government decided in October 1927 that appointments to the Provincial Services should in future be made on a communal basis, provided that qualified persons of the communities were available for appointment. The Government provided in the statutory service rules issued for the various Provincial and Subordinate services that appointments should in future be made in a certain order from the members belonging to certain main communities subject to certain excepted cases where it was considered that appointments should not be made on a communal basis. The scheduled classes and the communities other than the non-Brahman Hindus, Brahmans, Muhammadans, Indian Christians or Anglo-Indians or non-Asiatics were to get one out of every twelve appointments. Later, this one appointment was made available for the classes now called Scheduled Castes alone.

" (c) & (d) The Government consider that the collection of statistics of all appointments in all departments in the Province for the last eleven years will involve an amount of labour which in the opinion of the Government will be quite disproportionate to any useful purpose which may be served thereby. The attention of the hon. Member is invited to the figures in the communal returns placed on the table of the House on 28th November 1938. The deficiency will be made good gradually as vacancies arise and appointments are made under the communal rule and qualified and suitable candidates become available. The Government are doing everything that can be done in this direction."

SRI V. KURMAYYA:—"May I know if the Hon. the Premier is looking after the interests of the Harijans?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"I am fairly 3-15 vigilant, Sir." p.m.

SRI K. P. YAGNESWARA SARMA:—"May I ask, Sir, whether the quota prescribed according to the existing rules depends upon the population of the communities or the number of applicants belonging to the several communities?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It does not depend on the number of applicants, Sir. It depends more than anything else upon the population, but it is qualified by the existing state of circumstances."

SRI J. SIVASHANMUGAM PILLAI:—"May I ask whether candidates belonging to the depressed classes are exempted from paying fees to the Service Commission?"

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THE HON. SRI C. RAJAGOPALACHARIAR:—"I think that is the latest order."

SRI RAO BAHADUR M. C. RAJAH:—"Sir, with reference to the answer to clause (c), if it is not possible for the Government to collect statistics, may I ask how is it possible to make up the deficiency?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It goes from year to year, Sir. To collect the particular kind of statistics that are sought for would be an enormous task. But the deficiency is there. Every year the turn is marked and if the turn is taken by someone else it will be a deficiency. Otherwise also there is a general overseeing of the whole matter. But the particular statistics mentioned in the question will be far too large to collect. The deficiency will consist of the existing number, whereas the statistics wanted would be of all the people appointed in all the departments throughout the Province for the last eleven years."

SRI RAO BAHADUR M. C. RAJAH:—"The statistics which I want are with reference to the depressed classes only."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Yes, but of all appointments."

SRI RAO BAHADUR M. C. RAJAH:—"Appointments set apart for the depressed classes only, not for other communities."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I would ask the hon. Member to look carefully and completely into the figures that have been placed on the 28th November on the table. If he still wants any particular information, the Government will be most glad to give it."

SRI V. KURMAYYA:—"May I ask whether the services under the local boards and the municipalities come under the Public Service Commission?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"Services under local boards and municipalities are no doubt public services, but this rule does not apply to them."

SRI S. NAGAPPA:—"Will the Hon. the Premier be pleased to state whether one appointment for every twelve appointments is equitable when compared to the population of the Harijans?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"The hon. Member will see that it is not merely a question of population."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Although the communal Government Order is there, in view of the fact that with regard to various appointments the qualifications have been increased and the age-limit has been reduced, may I ask whether

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the Hon. the Premier realizes that the chances of minority communities have been adversely affected?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"It is a hypothetical consideration altogether. Age-limit has not been reduced at all in the case of the scheduled classes; on the contrary it has been increased. I may inform hon. Members that we have under consideration an order to remove all age-restrictions in respect of qualified scheduled class candidates."

Amendment of the Madras Irrigation Cess Act in regard to rights to free irrigation for zamindars.

* 691 Q.—SRI K. P. YAGNESWARA SARMA: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether any representations have been made to the Government for the amendment of the Madras Irrigation Cess Act in regard to rights to free irrigation for zamindars as declared in the Uralam case;

(b) whether the Government have arrived at any and if so, what decision on the same; and

(c) whether the Government will be pleased to enunciate their policy on the subject?

THE HON. SRI T. PRAKASAM:—" (a) The answer is in the affirmative.

" (b) & (c) The matter is under consideration in connexion with the land revenue policy of the Government."

Scheme, if any, for the improvement of the Wadada Channel.

* 692 Q.—SRI C. NARASIMHAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether at the time of his visit to Chicacole it was brought to his notice that even though enough water flows in the river Nagavali it does not flow into the Wadada Channel, thus resulting in constant periodical failure of crops; and

(b) whether the Government have any scheme for preventing this wastage of water and the consequent failure of crops?

THE HON. MR. YAKUB HASAN: " (a) The answer is in the affirmative.

" (b) The Government are awaiting the Chief Engineer's report on the representations of the ryots referred to in clause (a) and the question of evolving a scheme will be considered after the Chief Engineer's report is received."

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Appointment of a substitute during the leave period of the Commissioner of the Tirumalai Tirupati Devasthanams.

* 693 Q.—SRI B. BHAKTAVATSALU NAYUDU: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that a substitute was appointed during the short period of absence on leave of the Commissioner of Tirumalai and Tirupati Devasthanams;

(b) if the answer to clause (a) is in the affirmative, what the duration of the period of absence on leave was;

(c) the name, qualification, conditions of acceptance of the candidates who applied for the officiating appointment;

(d) the name of the candidate chosen for the appointment, his age and experience; and

(e) the reasons for selecting this candidate?

THE HON. DR. T. S. S. RAJAN:—“(a) Yes.

“(b) One and a half months.

“(c) Three persons applied for the acting vacancy of Tirumalai and Tirupati Devasthanams Commissioner. Their names and qualifications are given below. They did not stipulate any conditions of acceptance.

Name and qualifications.

1 Sri R. Rangaswami Ayyangar, B.A., B.L., retired acting District Judge.

2 Sri T. Kumaraswamiah, B.A., B.L., Advocate.

3 Sri P. Veeraraghavan, B.A., B.L., Advocate.

“(d) & (e) Sri R. Rangaswami Ayyangar was selected as being the most suitable.”

SRI B. BHAKTAVATSALU NAYUDU:—“May I ask, Sir, whether the peshkar who is next to the Commissioner and who has put in six years' service is not competent to act in this short vacancy which is after all for six weeks?”

THE HON. DR. T. S. S. RAJAN:—“The Government did not consider that the peshkar was suitable for that place even though it was only a short vacancy.”

SRI B. BHAKTAVATSALU NAYUDU:—“May I know, Sir, whether the Government advertised in any of the dailies calling for applications to fill up the vacancy?”

THE HON. DR. T. S. S. RAJAN:—“No applications were invited because it was only a short acting vacancy.”

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SRI B. BHAKTAVATSALU NAYUDU:—“Then, how did the Government get three applications without calling for applications from the public?”

THE HON. DR. T. S. S. RAJAN:—“The Government cannot help people applying for places, but they did not advertise.”

SRI K. VARADACHARI:—“Are the Government aware that there has been a lot of complaint against the peshkar for the last six years?”

THE HON. DR. T. S. S. RAJAN:—“The Government are not aware, Sir.”

SRI B. BHAKTAVATSALU NAYUDU:—“May I ask whether it is the policy of the Government to appoint only retired Government servants whenever there is any such vacancy?”

THE HON. DR. T. S. S. RAJAN:—“There is nothing to prevent the Government from appointing retired officers if they are found fit for the places. On the contrary, the experience they have gained is an advantage to the office to which they are appointed.”

SRI B. BHAKTAVATSALU NAYUDU:—“Do the Government contemplate appointing this gentleman permanently when the permanent vacancy arises?”

THE HON. DR. T. S. S. RAJAN:—“That is a hypothetical question. It does not arise.”

SRI E. KANNAN:—“May I know whether the Government will take the opportunity of appointing a Harijan when the next chance comes?”

THE HON. DR. T. S. S. RAJAN:—“Yes, Sir; if applications from Harijans come, they will not be barred.”

Amount utilized from the Government of India funds for rural development in the Malabar district.

* 694 Q.—MUHAMMAD ABDUR RAHMAN SAHIB BAHADUR: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) how much money from the Government of India Rural Development Funds has been placed at the disposal of the Collector of Malabar; when he was entrusted with the money and how much he has spent out of it; and

(b) whether it is a fact that the present Collector of Malabar has expressed his views against working any rural water-supply or communication schemes?

THE HON. SRI V. I. MUNISWAMI PILLAI:—“(a) A sum of Rs. 1,03,000 in March 1936 and another sum of Rs. 17,170 in May 1938 were placed at the disposal of the Collector of Malabar. A sum of Rs. 8,466 was spent up to 31st December 1938.

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“(b) The Collector has expressed the opinion that the problem of rural water-supply in the district is beset with difficulties, one of which is that houses are scattered and any single source can but meet the needs of a very few people. Moreover, provincial funds are available for this purpose.

“As regards village communications, the Collector has stated that the grant being non-recurring and the finances of the district board being what they are, it is not desirable to spend any substantial portion of the grant on the provision of roads. He is however making provision for spending a considerable sum of money on bridges which require little or no maintenance.”

SRI E. KANNAN:—“May I ask whether any representation was made to the Collector of Malabar by the non-official members representing Malabar?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“I do not think so.”

MR. W. K. M. LANGLEY:—“May I know from the Hon. Minister whether it is not the case that the present rules with regard to the scheme of rural water-supply preclude the sinking of ordinary wells?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“I do not think, Sir, that there is any rule which prohibits the sinking of wells from this grant.”

MR. W. K. M. LANGLEY:—“If any such rule exists as I was told the other day—I am a member of the committee dealing with this scheme in Malabar—could the Government consider the question of relaxing this rule and permitting this money to be spent in sinking wells, in view of the peculiar character of Malabar and the desirability of providing wells in various rural localities for the benefit of the depressed classes who are precluded from using many wells in Malabar?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“In granting the subsidy the Government of India has made some rules and these rules are followed here with regard to the expenditure from the Government of India subsidy. But in the case of the depressed classes we have got a separate fund administered by the Labour Department and the same will be used if there are such cases in Malabar.”

MUHAMMAD ABDUR RAHMAN SAHIB BAHADUR:—“May I ask whether the Health Officer in Malabar submitted a comprehensive scheme of rural water-supply for ten years and almost every one of those schemes had been turned down by the Collector of Malabar for one reason or other?”

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THE HON. SRI V. I. MUNISWAMI PILLAI:—“There is a health unit working in Calicut and if any proposal is put forward by the Health Officer, it will certainly be considered.”

SRI A. KARUNAKARA MENON:—“May I know whether the Government agree with the Collector that it is not desirable to spend money on wells and roads?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“If there is no money with the local body to maintain the roads constructed out of this Government of India grant, it will not be advisable to spend money on such construction.”

SRI E. KANNAN:—“May I ask the Hon. Minister whether it is not a fact that the Labour Department of the Government have dug many wells in Malabar?”

THE HON. SRI V. I. MUNISWAMI PILLAI:—“I take the information from the hon. Member.”

Objections against the grant of loan to the Indian Steel Rolling Mills, Limited, Negapatam.

* 695 Q.—SRI V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether any loan application from the Indian Steel Rolling Mills, Limited, Negapatam, was received by the Government and for what amount;

(b) what the value is of each share of these Mills and at what rate they are sold in the market;

(c) who the managing agents of these Mills are;

(d) when the Mill was started and shares collected, when it started operations, and the dividends declared since then, year-war; and

(e) whether the Government received any representations against the grant of the loan and whether they will be placed on the table of the House?

SRI B. S. MURTI (Parliamentary Secretary) on behalf of the Hon. Sri V. V. Giri:—“(a) Yes; the Government were requested to purchase shares worth Rs. 1,11,000 and to advance a debenture loan of Rs. 8 lakhs.

“(b) The face value of each share is Rs. 10. The rate at which they have been sold in the market has varied from time to time.

“(c) The India Company, Limited, Madras.

“(d) The company was registered on the 8th February 1934 and started operations on a commercial scale in May 1936.

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The issued capital of the company is Rs. 25 lakhs, and the subscribed capital Rs. 18,88,560. Its paid-up capital is Rs. 18,73,220. It has paid a dividend of $5\frac{1}{2}$ per cent per annum free of income-tax on the preference shares and a dividend of 5 per cent per annum free of income-tax on the ordinary shares for the half-year ended 30th June 1937.

“(e) Yes. The Government do not consider that any public purpose will be served by placing the objections on the table of the House.”

SRI B. BHAKTAVATSALU NAYUDU:—“May I know, Sir, in what stage the loan application stands at present?”

SRI B. S. MURTI:—“Notice, Sir.”

SRI B. BHAKTAVATSALU NAYUDU:—“May I ask whether any objection was received in response to the notification published by the Director of Industries inviting objections and if so how they were dealt with?”

SRI B. S. MURTI:—“I will request the hon. Member to put down a separate question, Sir.”

SRI P. R. K. SARMA:—“May I ask what is the financial position of the company?”

SRI B. S. MURTI:—“The answer shows that the financial position of the company is quite good.”

SRI P. R. K. SARMA:—“May I know whether the Government are aware that a critical labour situation has arisen on account of the suspension of certain orders that have been placed?”

SRI B. S. MURTI:—“I submit it is a question of capital versus labour.”

SRI T. S. CHOKKALINGAM PILLAI:—“Is it one of the important industries in India?”

SRI B. S. MURTI:—“Yes, Sir.”

SRI T. S. CHOKKALINGAM PILLAI:—“May I know if the Tata Company are competing with the Negapatam Mills?”

SRI B. S. MURTI:—“When there exist two or three companies, they sometimes compete with each other.”

SRI P. R. K. SARMA:—“May I ask if the Government have taken any interest in the financial position of the company? May I ask the Parliamentary Secretary whether the labour situation has not arisen on account of the Steel Rolling Mills having suspended the execution of certain orders placed with them?”

SRI B. S. MURTI:—“I submit that the Government are not aware of any such happening.”

SRI B. ANANTACHAR:—“What is the present value of the shares?”

SRI B. S. MURTI:—“Notice, Sir.”

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Basis for the disbursement of the grant provided in the budget for village roads.

* 696 Q.—SRI D. RAMALINGA REDDIYAR:—“Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the entire sum of rupees one hundred thousand set apart for village roads in the budget for 1938–39 has been spent;

(b) on what basis the allotment was distributed among the local bodies; and

(c) the share which each district got in the allotment?

THE HON. SRI B. GOPALA REDDI:—“(a) The answer is in the negative.

“(b) & (c) The amount is to be distributed among the district boards whose five-year programmes of improvements to village communications have been approved by the Government. The programmes submitted by the Chittoor, Tanjore and Kurnool District Boards have been approved by the Government and a grant of Rs. 4,200 has been sanctioned to each of these three boards. The question of utilizing the balance is under consideration.”

SRI D. RAMALINGA REDDIYAR:—“May I know from the Hon. Minister whether the Government have reminded at any time the defaulting boards to submit their reports at an early date?”

THE HON. SRI B. GOPALA REDDI:—“Yes, Sir; the Government have issued instructions to the boards that they should send up their programme as early as possible.”

SRI D. RAMALINGA REDDIYAR:—“Have the Government reminded them already?”

THE HON. SRI B. GOPALA REDDI:—“Not once, but more than once.”

SRI D. RAMALINGA REDDIYAR:—“What do the Government propose to do with the money if the defaulting boards do not send their programmes?”

THE HON. SRI B. GOPALA REDDI:—“If they do not send up programmes, the balance will be used by other boards.”

SRI E. KANNAN:—“May I ask what the Government have done with the programme sent up by the District Board of Malabar?”

THE HON. SRI B. GOPALA REDDI:—“We have referred the programme to the Collector.”

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SRI N. ANNAMALAI PILLAI :—“ தலைவர் அவர்களே, இந்தப் பாபத்தில் மீதமாய் நிறுத்தப்பட்ட தொகையை எட ஆற்காடு ஜில்லா ஜவ்வாதிமலைப் பிரதேசங்களிலும் ஜவ்வாதிமலை அடிவாரங்களிலும், நெல்லூர் ஜில்லா கூடர் (Gudur) தாலூகா கீழ்பாக்கங்களிலும் உள்ள மலேரியா பிரதேசங்களில் ரோட்டு போடுவதற்குச் செலவு செய்வதற்கு கவர்ன்மெண்டாருக்கு உத்தேசமிருக்குமா ? ”

THE HON. SRI B. GOPALA REDDI :—“ I should like to have a translation of the question.”

MR. SPEAKER :—“ Sri M. Bhaktavatsalam, Parliamentary Secretary, may translate the question for the benefit of the House.”

THE HON. SRI C. RAJAGOPALACHARIAR :—“ ஒவ்வொரு வருஷத்திலும் கணக்கு வற்படுத்திய budget படி வற்படுத்திய தொகை செலவாகாமல் போனால் அது ஒரு நிதியாக நின்று மறுவருஷத்திற்கு நிறுத்தப்படாது. அந்த வருஷத்தோடு முடிந்துபோய்விடும். மறுபடியும் budget ஏற்படுமபோது அண்ணாமலைப் பிள்ளையோ, மற்றவர்களோ சொல்லுகிறபடி வற்பாடு செய்யமுடியும் ? ”

SRI N. G. RAMASWAMY NAYUDU :—“ அது வரையிலும் மலேரியா ஜில்லாமல் இருக்க எப்படி முடியும் ? ”

(No reply.)

Imposition of salary cut on elementary school teachers by the district boards.

* 697 Q.—**H. S. HUSSAIN SAHIB BAHADUR :** Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the district boards have imposed a salary cut on their elementary school teachers after the introduction of new scales of pay; and

(b) if the answer to the above is in the affirmative, whether their scales have been improved when compared with those of the board secondary school teachers and if not, what the reasons are?

THE HON. SRI C. J. VARKEY :—“ (a) Yes; some district boards have imposed cuts on the salaries of elementary school teachers.

“ (b) It is presumed that the hon. Member wants to know the reasons why a salary cut is imposed only on elementary school teachers and not on secondary school teachers. It has to be borne in mind that the salaries of these two classes of teachers under local board service are met out of two different funds of a local body: the salaries of the elementary school teachers out of the Elementary Education Fund and those of secondary school teachers from the general fund. The necessity for the imposition of the cut is determined with reference to the availability of funds in the respective

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accounts. Thus, it is possible that, for want of adequate funds in the Elementary Education Fund, a local body may impose a cut on the salaries of its elementary school teachers, while no such cut may be in force at the time on the salaries of its secondary school teachers as the general account may have sufficient funds to meet their salaries fully.”

SRI D. RAMALINGA REDDIYAR :—“ May I know if the Government are aware of the fact that a large number of teachers under each district board are not paid their monthly salaries regularly on the first of every month or on the second? ”

THE HON. SRI C. J. VARKEY :—“ The Government are aware of the fact.”

III.—STATEMENT RE SITUATION IN BURMA.

* **THE HON. SRI C. RAJAGOPALACHARIAR :—**“ Sir, as a result of disturbing news received from Burma again, several hon. Members have asked for waiver of notice for questions and desire information on the situation at present in that country. I, therefore, wish to make a statement, if permitted. Immediately on learning that there was a fresh recrudescence of trouble, the Government got into touch with Burma and have received information that there was a riot in a place called Monywa in Upper Burma on the 18th of January in which one Indian cotton mill was burnt, some twelve Indian shops and houses were looted and nine Indians were injured. The Government of Burma have informed us that additional police have been sent to Monywa and everything is now quiet there. They state that there is no anxiety as regards Indians in Rangoon. This is confirmed by a message received by His Excellency from the Governor of Burma which says that Indian life and property in Rangoon are not in danger.”

SRI V. S. R. M. VALLIAPPA CHETTIYAR :—“ May we put, Sir, supplementary questions and elicit further information? ”

MR. SPEAKER :—“ You may put regular questions.”

* **THE HON. SRI C. RAJAGOPALACHARIAR :—**“ For your information, Sir, I may say that the information so far received does not give any material for saying anything more than what I have stated. I admit it is somewhat meagre. I was glad and I thought hon. Members would be glad to hear that so far as Indian life and property in Rangoon go, there is no danger. I have therefore hastened to give the information received.”

KHAN BAHADUR MAHAMUD SCHAMNADSAHIB BAHADUR :—“ May I know whether the Government are aware that there is a suspicion here that the present Agent is not sufficiently able to do the needful to protect the lives of people there and whether an Indian might not be appointed? ”

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THE HON. SRI C. RAJAGOPALACHARIAR:—"I submit it may not be in good form to make such an attack on an official of the Government of India on the floor of this House; it is open to the hon. Member to communicate with me in that matter."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, we are thankful to the Hon. Premier for the trouble he has taken and the vigilance with which he is looking after the position of Indians in Burma and also for the statement he has made in this House."

IV.—THE REPORT OF THE MADRAS ESTATES LAND ACT ENQUIRY COMMITTEE

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, hon. Members are not aware of a request I had made to the Speaker for permission to speak again. Yesterday, when dealing with this question, I felt that I had not made myself quite clear towards the latter part of my speech. I felt I was oppressed by a feeling that I had taken too much of the time of the House and I was not quite so fit also. If you will permit me, Sir, I would like to take a little more of the time of the House in respect of one or two points, but I do not wish to infringe on the amount of time available to other members. I will try to be as brief as possible."

"Yesterday I dealt with the fundamental questions, leaving the details to be dealt with by other hon. Members and the Hon. the Revenue Minister. I referred specially to pages 171, 172 and 173 of the Report, Volume I, in order to clarify the question that was raised, apart from the question of the ownership of the land, the question of the enhancement of the rate of rents. It was here that I felt that I did not perhaps explain the position, which is somewhat difficult to gather from the crude language of the old documents. The pages that I referred to just now, contain the controversy between Mr. Shore (afterwards Sir John Shore) and Lord Cornwallis. I particularly invite the attention of hon. Members to that part of the Report for this reason. It clinches the whole issue in a manner such as no other part of the literature can. I shall not take up the time of the House by reading those pages; if hon. Members will read them, they will find the controversy that I refer to. Let hon. Members then examine the position whether it is right or wrong. I think that Lord Cornwallis got through the measure on the express condition and explanation that Mr. Shore's fears and apprehensions were not correct. Mr. Shore's fears and apprehensions were exactly those which have subsequently happened. That is exactly what this Committee wants to be corrected now. If pages 171, 172 and 173 are carefully read and correctly appreciated, I maintain that the express condition on which the Permanent Settlement was got is given there. If this is admitted, the whole position

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with regard to enhancement of rent will be clarified. If the large bulk of the material that is placed before members is examined, the whole situation will be completely clarified. It is not open to those who support the Permanent Settlement to go back upon what Lord Cornwallis and Mr. Shore said.

"The rent of an estate can be enhanced by the zamindar only by two processes mentioned in the early documents. I refer hon. Members to Lord Cornwallis's minute of the 3rd February 1790. It is quoted at page 172 of the Appendices volume. I am sorry I incorrectly referred previously to the first volume of the Report. The whole thing is contained at pages 171, 172 and 173 of the Appendices volume. In those pages, we find a quotation from Lord Cornwallis's minute of the 3rd February 1790. This is the language used there—it is printed in big type:

'WHOEVER CULTIVATES THE LAND, THE ZAMINDARS CAN RECEIVE NO MORE THAN THE ESTABLISHED RENT, which in most places is fully equal to what the cultivator can afford to pay. To permit him to dispossess one cultivator for the sole purpose of giving his land to another, would be vesting him with a power to commit a wanton act of oppression from which he could derive no benefit.'

I refer hon. Members to this passage not merely to lay emphasis on the strong language used, but to the meaning which is behind the language. The argument was that if the proprietor or landholder could change the pattadar of a piece of land from one to another, he has the full right in the land and he could get more out of it. But that is exactly what Lord Cornwallis does not permit. He says the zamindar cannot raise the amount that he could recover. Therefore, it would be mere wantonness to change from one pattadar to another. He could gain nothing. Why, therefore, is he permitted to change? Therefore, the ryot should not be changed, and he should be treated as a permanent tenant. This is therefore what he says. I read it again in the light of what I have said:

'WHOEVER CULTIVATES THE LAND, THE ZAMINDARS CAN RECEIVE NO MORE THAN THE ESTABLISHED RENT, which in most places is fully equal to what the cultivator can afford to pay. To permit him to dispossess one cultivator for the sole purpose of giving his land to another, would be vesting him with a power to commit a wanton act of oppression from which he could derive no benefit.'

Now the meaning will be perfectly clear. It means that the established rent alone could be realized; even should he change the tenant or the pattadar, he could not raise the rent any more. I want the fullest inference to be drawn from the statement of Lord Cornwallis which I have just now read. Then again in the same page, you find:

'THE RENT OF AN ESTATE CAN ONLY BE RAISED BY INDUCING THE RYOTS TO CULTIVATE THE MORE VALUABLE ARTICLES OF PRODUCE, AND CLEAR THE EXTENSIVE TRACTS OF WASTE LAND WHICH ARE TO BE FOUND IN ALMOST EVERY ZAMINDARI IN BENGAL.'

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So, the rent of the estate can only be raised in two ways: one is by cultivating a more valuable article of produce, and a second is by clearing extensive tracts of waste land which are to be found in almost every zamindari. These are the only two conditions which Lord Cornwallis recognized for increasing the assessment.

"Let us now examine these two conditions. It is repeated in the Board's Proceedings of 1864 which have been constantly referred to—that is also in the same volume, at pages 173, 179 and 180, where hon. Members may carefully refer to the originals. Paragraphs 33 and 53 are the two paragraphs, especially to which I want to draw hon. Members' attention. Paragraph 33 is found at page 173 of the Appendices volume:

'The Board submit that the above statements of opinion are incompatible with any other view than that the framers of the Permanent Settlement and the advocates of the zamindar's proprietary claims, fully recognized the existence of an established limit by law and custom to his demands on the ryots, and the legality and equity of the Government determining the rates on the land in zamindaris at fixed amounts, when the Government put an express and unalterable limit to its own demands on the zamindar, and they expressly contemplated means to this end.'

Nothing can be more clear than the language here employed.

"Then again, paragraph 53 of the Board's Proceedings will be found at page 179 of the same volume, and at the bottom of the page, hon. Members will find:

'The Board maintain that the whole tenor of this Regulation is consonant with the expressed intention of the framers of the Permanent Settlement to put a fixed limit to the demands of the zamindar on the ryots, and to preclude the zamindar from arbitrarily determining his demands, or modifying them at pleasure, except to RELAX them for a specific purpose which was equally to his and his successor's advantage, and to the benefit of the ryots without infringing their rights, viz.:

—these are the two conditions again—

'to IMPROVE his estate, or to EXTEND cultivation, the two sources indicated by the framers of the Permanent Settlement for the improvement of the zamindar's income.'

Sir, these are the words put down in official documents in the year 1864. This is the vital question in the whole case. It has been argued that since prices have risen subsequently, the zamindar is entitled to raise his rent, apart from the inducement of a more valuable crop or the extension of cultivation, i.e., since prices have risen in the world, the zamindar should be entitled to a higher money value for the rents fixed in the year 1802. This is the question which is exercising the minds, I know, of most hon. Members who think that the Committee's Report is drastic. I submit, Sir, that it is wrong reading of English to interpret the words that I read just now, viz., 'to raise a more valuable article of produce,' as if they referred to increase in prices in modern times. It is absolutely wrong to put that construction. A more valuable article of produce is something different from a

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rise in prices due to international circumstances. A more valuable article of produce is raised by a pattadar if he converts nanja into punja land or nanja into garden land, or instead of raising ragi or cholam, he raises paddy or sugarcane, or he plants garden on dry land or he waters the land and raises paddy instead of raising cholam as before—that is, raising an article of produce of greater value. It was not intended that the rise in prices due to the opening of the Suez Canal or the modern discoveries of science or to the planning of better communications between the various parts of the world should have reference here, when Lord Cornwallis wrote the words 'raising of a more valuable produce.' It would be an absurd construction to put on the language used in Lord Cornwallis's minute. If prices could entitle the zamindar to vary the rent, nothing would have been easier for Lord Cornwallis than to put it down as an answer to all doubts that were raised in regard to this matter."

SRI G. KRISHNA RAO:—"On a point of information, Sir. May I ask how in the case of a holding with grain rent this interpretation could be to the effect that the zamindar could not take advantage of the rise in prices? If there was a rise in prices, naturally both of them could have the advantage of such increase; there is nothing to show that the zamindar could not take such advantage, as is stated by the Committee."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"It is an argument, Sir. Let us go step by step. I will try to clear the preliminary ground first. The reference that I have read puts two indisputable conditions which do not cover a rise in prices. That is the thing I want to make out. The first condition is the raising of a more valuable agricultural produce. I am trying to make out that that does not cover a rise in prices. Let me satisfy myself that I have made myself clear to hon. Members on that point, before we proceed to the second point . . ."

SRI G. KRISHNA RAO rose.

THE HON. SRI C. RAJAGOPALACHARIAR:—"We cannot carry on like that, Sir, I submit."

MR. SPEAKER:—"I think no debate can be allowed."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"If after I finish, the hon. Member wishes to raise the question, I shall not raise any technical objection; but things could not be clarified if we have a conversation. It is a difficult subject, and therefore let me have my own way of presenting it to the House."

"As I was saying, two conditions are solemnly laid down: one is the extension of cultivation and the other is raising a better crop, or in other words, raising a more valuable produce—both of which are not in any way connected with a rise in prices in subsequent years. So, that is not contemplated there. If the rise

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in prices—and that is the main thing we have to deal with—is to be conceded as a condition under which the zamindar could enhance the rent to three times what it was, then it would be an answer to the fundamental difficulty; that is why I say that being the most important thing, we should examine it. I say that that is not included in either of the two conditions laid down by Lord Cornwallis at the time; and I go further and say that if it had been contemplated that the receiver of the sanad should have the right to raise the assessment in proportion to the rise in prices, nothing would have been easier for Lord Cornwallis or any other authority than to have it laid down in clear terms—it would have been by far the biggest term and the most important term that would have to be laid down—and that was not laid down. On the contrary, two terms were laid down, and they did not include the rise in prices. No reference was made to the zamindar's right to raise the rent with the rise in prices. Therefore, I maintain that this important consideration which should have been certainly done in writing, if it was permissible, was not done at the time, and therefore it is not now permissible for the zamindar to ask for it.

“At the time the amounts were settled, certain persons were permitted to give in grain instead of in money. The whole object of the Permanent Settlement was fixity. Fixity was the idea; they felt that the ryot was oppressed on the one hand by indeterminate and varying and vague terms, while on the other hand the zamindar was equally in a difficult position; and therefore fixity all round was what they aimed at. But according to the currency of the time, according to the conditions of the time, they could not compel everybody to pay in cash. They suggested: ‘If you like, you may pay in grain, or if you like, you may pay in money.’ Now, if it is conceded that it was said in some cases that money rent was fixed and that the money rent man could not be oppressed to pay more and his rent could not be enhanced, let hon. Members consider for a moment whether in the other class of cases, i.e., where grain rent was fixed, those people should have the disadvantage of having to pay three times the price to-day, whereas the money rent man would have to be paying the same rent. It is not open to the zamindar to go the other way about and say that because the grain rent has increased in prices, therefore the money rent man should be forced to pay more. Neither can be permitted; so that whether it was grain rent that was fixed at the time or money rent, the zamindar should not be given the right to enhance the rent, whether it be money or grain, because prices have risen now.

“Then, one more question has to be solved. If the rent was fixed in grain and not in money, what is to be done? Surely, it would be most inequitable, relatively to say, that A who has to

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pay Rs. 20 in cash, should have to pay only Rs. 20 according to the construction I have presented, and B who was asked to give Rs. 20 worth of grain in 1802 should now be asked to give Rs. 60 worth of grain; that would be most inequitable. Therefore, 4 p.m. the same rule of fixity and the same standard of the prices then prevailing would have to be fixed for both. If anybody was asked to give a share of the grain, the question arises whether he should be asked to give that share now. Even though by a misfortune the prices have risen high—so far as he is concerned, it is a misfortune because all his brethren were paying money rent or the grain rent fixed—the zamindar is not permitted to exact more from them. Do hon. Members demand that the zamindar should benefit by a mere accident of this kind in the shape of certain holdings which were fixed by share or otherwise? Now, therefore, since we are in search of definite principles and not merely in search of windfalls or goodluck or chance, we must not get confused or carried into the jungle by mere accidents like this. What is the principle fixed at the time? Fixity was the principle, of which you are all aware. Then the only question is, if it were fixed, can we raise the amount to be paid, because prices have risen? It was not contemplated; it was not put down anywhere; and therefore I submit, we cannot be permitted to vary the assessment. Therefore, Sir, I submit that the conditions laid down by Lord Cornwallis do not permit an enhancement of the rent in terms of money, simply because of the rise in prices in later years. Of course, I am not waiting for an argument on this question from the other side unless the hon. Member, Sri G. Krishna Rao, wishes to be further clarified on the question.”

SRI G. KRISHNA RAO:—“I wish only to point out that the whole explanation is quite unconvincing. There are two kinds of rent, one is money rent and the other grain rent and if he accepts that there should be fixity, by all means let there be fixity.”

MR. SPEAKER:—“Do you want the Hon. Premier to explain the point still further?”

SRI G. KRISHNA RAO:—“I want to ask the Hon. Premier whether he is right in explaining the position in that manner, because I find some fallacious reasoning there which I want to refute.”

MR. SPEAKER:—“You cannot make a speech, but if you have any doubt you can ask him to clear it.”

SRI G. KRISHNA RAO:—“Whatever fixity of rent was there, the fixity is no doubt there and the ryot as well as the landholder will both enjoy the advantage or the disadvantage of the rise or fall in prices. But, it is not as if the ryot only is going to be victimized or the zamindar is going to be victimized.”

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MR. SPEAKER:—" So, you want that point to be cleared? "

* THE HON. SRI C. RAJAGOPALACHARIAR:—" It is no question of any information or clarification. He is not convinced by my argument. I can only give the reason, but I cannot give the understanding."

SRI G. KRISHNA RAO:—" I am sorry, I cannot understand the reasoning of the Hon. the Premier; in that I may be erring in very good company . . ."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" The question of conviction is with reference to particular positions which Members take up. I am confessing my inability. I have given my reasons and these are the reasons; if they are good, accept them; if they are not good, reject them; that is my position. If I have been vague or wanting in correct expression, I can try to make myself clearer. If my answers have been clear enough, though unconvincing, there is an end of the matter. That is what I wish to confess."

SRI G. KRISHNA RAO:—" I want to tell that if there is fixity of division of rent in grain, there will be division between the landholder and the ryot at any time since 1802. I stick to it, but how is he entitled to say that I should not . . ."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I will meet that position by saying that it is entirely irrelevant for this reason. If the grain rent is there, Mr. Krishna Rao is arguing that both sides benefit by a rise in prices. Who are the two sides? The zamindar is not bound to pay and if Mr. Krishna Rao and his tribe—if I may be excused for saying—agree to pay the peshkash according to the rise in prices, then the argument that both sides benefit by it, is correct. But, if the Permanent Settlement was fixed on the same basis . . ."

SRI G. KRISHNA RAO:—" Here again, Sir, there is a confusion of issues . . ."

MR. SPEAKER:—" I think the Hon. the Premier must be allowed to finish his arguments."

* THE HON. SRI C. RAJAGOPALACHARIAR:—" I wish to tell him that it is not my desire to suppress his opinion. My position is clear. The Permanent Settlement must be understood to be a reasonable arrangement and not an unreasonable arrangement or an arrangement between the Government and their favourites. The Government was impartial at the time and we must assume that they made that arrangement on a rational basis. If in 1802 they said, ' Take the asset as a whole and divide it in such and such a way, reserve one-third for your management and give us two-thirds,' we cannot apply one measure for

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one and another measure for another. If the rational arrangement that was entered into at that time has to be understood from the commonsense or rational point of view, we cannot argue that because prices have risen. ' Enhance the one but do not apply it to the other. Therefore, I say, if the assets were followed, if the grain rents were there, and if Lord Cornwallis or the other authors of the Permanent Settlement had intended to give to the zamindar more and to give to the pattadar less, nothing would have been easier, however wrong might have been the intention, nothing would have been easier than for the authors of the Permanent Settlement to put down in the two conditions that where it is grain rent, an enhancement or a rise in prices will benefit the zamindar and the pattadar will have to give it, and the Government deliberately give it up in favour of the sanad-holder. Then that would have been the most monstrous position to have been taken and Lord Cornwallis could not have got this Permanent Settlement through if he had taken up that position. If he had mentioned it, it would never have been passed or allowed to have become law.

" I say again, Sir, that Mr. Krishna Rao is not convinced. I am obliged to him for giving me an indication of it, because he expects me to say what I have to say. I, therefore, crave your indulgence to say again that, supposing there was that intention—be it remembered, that it was intended to extend it to the whole of the Province, but it was only some accident, some subsequent historical events that prevented it—what would have been the result? Forty lakhs for that portion of the estates that were permanently settled and not $2\frac{1}{2}$ crores, are to be given by the zamindars to the Government; and if the other estates had been similarly permanently settled, according to the monstrous interpretation now attempted to be put forward by the other side, what would have been the result? The whole land revenue of this Province would have been something like two crores. Be it remembered that in 1802 there was no other revenue worth mentioning and this was the only source of revenue. Would it therefore have been imagined that that was the intention of the authors of the Permanent Settlement or that they wanted to sell away the resources of the Government for these forty lakhs and in the same proportion for the rest of the Province? It is impossible. It is impossible that any civilized Government would have agreed to that understanding and that is why they laid down in the 13th article of the sanad that the Government shall be free to make any new laws for the welfare of the people. Let hon. Members read the 13th article again; and they will see the meaning of what I have said. It is definitely stated there and if that construction is accepted, it would conclusively show that the monstrous conclusion could not have been in the minds of those

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statesmen or Lord Cornwallis or others. No doubt, these people were anxious to get permanency. They thought that a bird in the hand was worth two in the bush and therefore entered into a permanent arrangement. Surely, it could not be interpreted or expected to have meant that for all time prices may rise and the tenants may be taxed accordingly, but the zamindar should not be taxed. Therefore it is an absurd conclusion. Therefore, I say it is not the right way to interpret the solemn document and you cannot read that document to mean something so absurd as that.

"Then, Sir, the other condition was bringing under cultivation all uncultivated lands. That again is a confusing thing. Many hon. Members have no doubt still imagined—and I do not think I have made that point clear—that that gives the landholder a freehold right over all the uncultivated lands. That is clearly brought out on page 6 of the printed book 'Addenda to the Appendices to the Report of the Estates Land Act Committee, as follows:

'Another serious blot is to be found in the same section (11); that is, the grant of all the waste lands to landholders in private property. I say "in private property" because they are empowered to fix their own terms as to "rent." This is simply the Bengal 1793 heresy of the state being the owner of the soil all over again. Most fortunately, for the persons whom the framers of this confiscatory provision inconsistently enough called the 'ryot proprietors', a proviso was inserted at the very last stage of passing the Bill saving 'any special rights which by law or usage having the force of law are held by any class or person in such waste or unoccupied lands'.

This was provided again.

'The original provision has under this proviso remained a dead letter and there is not even a single reported case bearing on the point. In spite of the blemishes in section 11, however, Act VIII of 1865 would have fulfilled its objects.'

Then again please see page 22 where the matter is again clearly dealt with. It refers to Forbes's speech:

'The Association added waste lands. This addition I cannot admit and I will now deal with that question. The zamindars make a strenuous claim that they have special rights over the waste, in other words, that they can exact for the cultivation thereof such terms as they please, or what is the same thing, impose a rent and not an assessment. No constitutional basis can be found for such an argument, the zamindar is no more in law than an assignee of the public revenue. The review which I have taken of the opinions recorded by the highest authorities down to 1865 gives no colour to such a pretension; and if it did not exist during all these years, nothing that has been enacted since has conferred rights which were not possessed at that time . . . The special rights so preserved are the right to extend cultivation to the waste and the right recognized since the Permanent Settlement to pay not a rent but the assessment due thereon. The zamindars could, of course, and did usually arrange favourable terms for such cultivation in or to obtain the reclamation of the lands . . .'

So that, even in the ancient lands, the established rate was fixed and they cannot go above that. It is something like forests; since forests were given them for management and not for selling away as freehold, so also uncultivated and ancient lands were

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given to the zamindar for management; that is to say, to be assigned and cultivated on the same terms as the rents then fixed. It did not belong to him, but belonged to the people at large, but the zamindar was recognized to be the authority to give it for cultivation on the same rates of rent. But what happened subsequent to 1802? New lands have been brought under cultivation. All that does not confuse the issue as to the rate that has to be exacted from the pattadars.

"The whole situation has been summed up in the middle of page 4 of the Addenda in one sentence: 4-15 p.m.

'In an evil day, the East India Company, in ignorance of the subject and despairing of securing the prosperity of the cultivating classes in any other way, abandoned all idea of direct management and made over the real owners of the soil to the tender mercies of the zamindars.'

That sums up the whole position, Sir. I ask hon. Members to exercise their imagination and to say what it means. I ask them to imagine the Excise department making a similar mistake—what happens in our day can be more easily imagined than what happened in 1802—of granting a Permanent Settlement in favour of the Gramanis of Madras in respect of all the toddy trees in the Province. What would be the consequence? Gradually the permanent lessee would imagine as the zamindars have imagined that the trees belong to him, that the toddy belongs to him; that the garden belongs to him and later even the tappers. That would be the position. They would feel, if later this is sought to be corrected, that it was confiscatory or expropriatory. It is the consequence of the first error that was committed. Because it was committed and because it was continued, we cannot say that it had been right and ought to be continued even hereafter. We cannot say that here is a right by prescription. If a wrong is allowed to continue, it cannot give a prescription; prescription is based on law and it is for the law to decide whether such prescription should be allowed or not. It cannot be permitted if the whole Province, as I said, had been similarly devastated. Luckily for us the whole of the Province has not been devastated; and the Government of that portion that was given away to the zamindars is carried on at the expense of the resources that are available from the portions that were not so given away under the Permanent Settlement. Otherwise Government would not have been possible under existing conditions. That is the position.

"Let me, therefore, ask hon. Members not to imagine that there was a treaty or that there was a division and distribution of the loot of conquest or the conquered territory amongst the soldiery. There was no such thing. It was a Permanent Settlement and it should be correctly understood and correctly appreciated. I want hon. Members to concentrate on one particular aspect of the question which

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I wish to mention. Hon. Members should not imagine that we are preventing zamindars from raising their own revenue by increasing the assessment since 1802 to no purpose. Why should we do this? That is the feeling that produces such expressions as 'confiscatory' and 'expropriatory.' The reason is this. Government has to be carried on in those territories as well as in the rest. If we were to allow the zamindar against the express terms of the sanad in 1802 to tap to the uttermost, to tap to the dregs the resources of the tenantry and the peasantry of that territory, what is left to the people? If he goes on enhancing the land revenue which he was to take according to the price level, what is left? Nothing but skeleton and bones. If as prices go up, he takes half the produce, what is it that will be left? There will be no resources left in the numerous population that lives and toils in that area and that is why the Government are interested to see that the population in the zamindari area is left with some resources, with some strength, with some energy, with some property and something to live upon. That is why we desire—and the Government are entitled to declare—that the revenue should not be tapped entirely by the zamindars against the terms of the sanad. I can understand the zamindars coming forward with the proposal to modify the position. That is entirely a different thing. But they want their Permanent Settlement; they want their pound of flesh and want it to be construed in a manner which will make Government impossible, which will make life impossible. The present rise in prices should have nothing to do with the solution of the problem. That was the point which I thought I had not made quite clear and I thank you for giving me a further opportunity."

* SRI RAO BAHADUR M. C. RAJAH:—"Mr. Speaker, Sir, if I intervene in this debate, it is because I do not wish to give a silent vote on this motion. I have listened to both the speeches of the Hon. Sri Prakasam invoking the aid of the Code of Manu, and I have also carefully listened to the speech of the Hon. the Premier referring to the abolition of slavery in America. It would do well for my Friends, the Chief Minister as well as the Revenue Minister in future not to invoke the aid and the blessings of the Code of Manu which is solely responsible for establishing that inhuman institution in India, the caste system, which is responsible for the existence of slavery in this country and for all the communal troubles which divide one community from another or destroy the peace and solidarity of the people in our Province to-day.

"My attitude is one of deep concern for the interests of the depressed classes, who, as you all know, form the bulk of the agricultural labouring population of this country. I have searched

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and searched in vain, to see if there is any single recommendation in the Report for improving the condition and protecting the interests of the tillers of the soil, the bulk of whom belong to my community. I may tell the Hon. Premier straightaway that it is not easy as he seems to think or as it is easy for him to do, to brush aside the proposition that this measure does not benefit the peasantry, the cultivators of the soil.

"A measure like the one contemplated should be judged by the amount of relief that it seeks to give to the poor and suffering labourer, who is not able, as used to be said on Congress platforms before the Congress assumed office, to get even a single square meal a day. A measure like this should be tested by the greatest amount of good that it is likely to bring to the greatest number of people, including the large majority of the poor and the depressed classes. Evidently this measure is intended to deprive the zamindar class of a large portion of the benefit derived from land and bestow it upon the tenant. It is nothing but a matter of transferring or redistributing the income from one party to another. If I were interested in either class to the exclusion of the agricultural labourers, I should say, it is a case of robbing Peter and paying Paul. But it should be noted that between Paul and Peter there are so many Jameses and Johns whose interests have got to be safeguarded; and they are the agricultural labourers, who are the real producers of the soil which is now sought to be reassigned from one class of people to another.

"If you will look at the picture as a whole, there is the zamindar on the top, the tenant below him and the agriculturists beneath them all. The zamindar presses upon the tenant and the tenant sits upon the labourer, and the labourer has to bear the weight and the pressure of both the zamindar and the tenant. While you are trying to give relief to the second party, viz., the tenant at the expense of the first, the zamindar, you are taking no account at all of the third, the agricultural labourers, the actual cultivators whose interests should be safeguarded first and foremost. They are the real wealth producers. The tenant lords over the tiller of the soil; and the zamindar, you say, lords over the tenant; but both the zamindar and the tenant lord over the tiller of the soil, by the sweat of whose brow is produced the fruit which you and I who sit in this House enjoy.

"It is all very well for the Congress Ministry and the Congress party to espouse the cause of the middle man and give him all protection against the zamindar, but what about the agricultural labourer? It is true that most of the agricultural labourers have no votes to give at the elections, whereas the tenant is in a position not only to vote for, but also to canvass votes for us all. That is no reason why the voiceless labourer should be ignored and be left

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to the mercy of the tenant. It is just the same policy which the Congress Ministry adopted in the case of the so-called Agriculturists' Debt Relief Act. I raised this point in connexion with that legislation also.

"While the measure now proposed is calculated to secure permanent occupancy right to the tenant, it leaves the agricultural labourer as a sub-tenant-at-will, placing him entirely at the mercy of the tenant. You are now only creating a new class, and a numerous class, of minor zamindars.

"There is at least one thing to be said in favour of the zamindars. Some of them like my esteemed friend, the Maharaja of Pithapuram, are using their accumulated wealth in philanthropic service to the country by maintaining schools and colleges, orphanages, industrial workshops and by giving scholarships to poor and deserving pupils and students and also by patronizing art and literature. As my friend, Dr. C. R. Reddi, the Vice-Chancellor of the Andhra University, pointed out just a few days ago, on the 20th of this month, when he opened the new buildings, the munificent gift of the Maharaja of Pithapuram to the P.R. College in Cocanada, the Maharaja of Pithapuram has utilized his zamindari income in liberalizing the people of the Telugu country and in not merely removing untouchability but raising the depressed classes intellectually, morally and religiously. (Sri Kala Venkata Rao: 'Question.') I am surprised that my hon. Friend, Mr. Venkata Rao, who comes from Pithapuram says 'question.' I may tell him that I had myself been to Pithapuram and have seen all the beneficent activities of that enlightened zamindar. Sir, I ask whether in the future such benefactions are possible and such benefactors will be found? This legislation will cripple the resources of such zamindars and thus deprive the depressed classes of the benefits of their philanthropy. Can the new zamindarlets, whom you are going to create by this measure, be expected to render such self-denying service to the country on any effective scale?

"The Hon. the Mover of this motion had taken the trouble of placing before us extracts from the debates on the Tenancy Bill of 1898, and in his speech quoted elaborately from the Hon. Mr. Crole and the Hon. Mr. Grose and from the despatches of Sir John Shore and Lord William Bentinck. These were distinguished statesmen of the British Government in India. If these men who were the pillars of British bureaucracy in their days were to be present here to-day in this Hall to listen to the speeches of our Congress Ministers, they will not only clap their hands, but also will shake hands with the Congress Ministers and congratulate them upon maintaining the sacred and hoary traditions of British rule in India.

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"Glancing through the pages of these extracts, I see there were at that time in the Council of the Governor of Fort St. George non-official members also, the Hon. Mr. C. Jambulinga Mudaliyar, the Hon. Mr. P. Rangayya Nayudu, the Hon. Mr. P. Ratnasabhapatil Pillai, the Hon. Mr. N. Subba Rao Pantulu, the Hon. Mr. V. Bashyam Ayyangar and the Hon. Mr. C. Vijayaraghava Chariyar. They were all eminent men. Some of them were the fathers and founders of the Indian National Congress like Mr. C. Vijayaraghava Chariyar of Salem, who may be said to be, without any disparagement to Gandhiji, the political *guru* of our Premier, and others equally distinguished. I wonder why their views on this subject are not laid on the table. Is it because they were men of ripe wisdom and vast practical experience?

"I now appeal to the Members of the depressed classes in this House not to follow the lead of men who are more bent upon hitting the zamindars than upon securing benefits to the agricultural labourers, who are the real producers of the wealth, which is now sought to be redistributed among those who stand between the zamindars and the tillers of the soil."

* SRIMATHI V. LAKSHMI AMMAL :— கனம் அக்கிராஸ்துபதி அவர் களே! சென்ற ஆறு திங்களாக இவ்விடத்தில் பிரகாசம் கமிட்டியாரின் ரிப்போர்ட்டின்மேல் போதுமான விவாதம் நடந்திருக்கின்றது. நான் விரிவாக ஒன்றும் சொல்லப்போவதில்லை. இருந்தாலும் நான் இருக்கப்பட்ட இடத்திற்குச் சமீபத்தில் ஜமீன் ஏரியா (area) இருப்பதினால், நான் அந்தத் தொகுதியில் நின்று வோட்டு வாங்கி வந்திருப்பதினால், நான் அவர்களுடைய நிலைமையைப்பற்றியும் பிரகாசம் கமிட்டியாரின் ரிப்போர்ட்டை பற்றி அவர்களது அபிப்பிராயத்தைப்பற்றியும் ஒன்றிரண்டு விஷயங்கள் மாத்திரம் சொல்ல விரும்புகின்றேன். நான் இருக்கப்பட்ட இடத்திலிருந்து தெற்கே ஒரு ஜமீனும் வடக்கே ஒரு ஜமீனும் இருக்கின்றன. கேர்த்திரபதி, தீர்த்தபதி என்று இரண்டு ஜமீன்கள் இருக்கின்றன. இந்த ஜமீன்களிலுள்ள குடிகளின் நிலைமையும் இந்த ஜமீன்தார்களுடைய நிலைமையும் எனக்கு நன்றாகத் தெரியும். நான் அவர்களுடன் நெருங்கிப் பழகிய ஒரு முறையில் குடிகளின் நிலைமையை நன்றாக அறிவேன். ஆனால் அவர்கள் சென்ற அநேக வருஷங்களாக படுகின்ற கஷ்டங்களைப்பற்றியும் அவர்களுக்கு இப்பொழுது இருக்கும் நிலத்தீர்வைப் பளுவைப்பற்றியும் இங்கே ஏற்கனவே அநேக மெம்பர்களால் விரிவாக எடுத்தரைக்கப்பட்டிருக்கின்ற நிலைமையில், நான் அதைப்பற்றி ஒன்றும் விரிவாகச் சொல்லாமல் போனாலும் அந்தப் பிரதேசத்திலிருக்கிற அந்த ஜமீன் ஏரியாவில் (area) இருக்கின்ற ஒன்றிரண்டு விஷயங்களை மாத்திரம் சொல்ல விரும்புகின்றேன். ஸ்ரீ பிரகாசம் கமிட்டி ரிப்போர்ட்டை அங்கேயுள்ள ஜமீன் குடிகள் மிகவும் வரவேற்கின்றார்கள் என்பதை அறிந்து அவர்கள் சார்பாகவும் என் சார்பாகவும் ஸ்ரீ பிரகாசம் கமிட்டி ரிப்போர்ட்டை நான் மனம் பூர்வமாக வரவேற்கின்றேன். ஆயினும் அந்த ஜமீன் ஏரியாவிலுள்ள குடிகள், அவர்கள் தற்பொழுது கொடுத்துக் கொண்டுவரும் வரியிலிருந்து, இந்த ரிப்போர்ட்டு வந்தாலுங்கூட, உங்களுக்குப் பேர்துமான பரிகாரம் கிடைக்காதோ என்று அஞ்சுகிறார்கள். அதன் காரணமென்னவென்றால் அங்கேயுள்ள ஜமீன் ஏரியாவில் ஒரு ஏக்கருக்கு பதினாறு ரூபாயிலிருந்து நூற்றைந்து ரூபாய் வரை அவர்கள் தீர்வை கொடுத்துக்கொண்டுவருகிறார்கள். ஒரு ஏக்கருக்கு நூற்றைந்து ரூபாய் எவ்வளவு அதிகமான தீர்வை என்பதை இங்கேயுள்ள மெம்பர்கள்

[Srimathi V. Lakshmi Ammal] [27th January 1939]

அனைவரும் தெரிந்துகொள்ளலாம். அதே இடத்தில் அயன் நிலத்தி னுடைய அதிகமான தீர்வை—இந்த மாகாணத்திலே எல்லா ஜில்லாக்களையும்விட ஜாஸ்தியாக கொடுத்துக்கொண்டுவருகின்றார்களென்று ஒப்புக்கொள்ளப்பட்ட அயன் தீர்வை—ஏக்கர் ஒன்றுக்கு ரூபாய் இருபத்திரண்டரைக்கு மேலில்லை. தாம்பிரவாரணிப் பாசனத்தில் அப்படி இருக்கின்றது. ஆகையினால் நூற்றைந்து ரூபாய் கொடுத்துக்கொண்டுவரும் ஜமீன் குடிகள் இந்த ரிப்போர்ட்டை எவ்வளவு சந்தோஷமாக வரவேற்கின்றார்கள் என்பதை நான் என் வார்த்தைகளால் சொன்னால் அடங்காது என்று தெரியப்படுத்திக்கொள்ளுகிறேன். ஆனால் அவர்கள் ஏன் அஞ்சுகிறார்களென்றால், 'இப்பொழுது நூற்றைந்து ரூபாய் கொடுத்துக்கொண்டு வருகிறோமே; ஒரு வேளை முப்பத்தைந்து, முப்பது ரூபாய்க்குத் தான் குறையலாமோ,' என்று அஞ்சுகிறார்கள். அப்படி வந்தாலுங்கூட அயன் நிலங்களுக்கு கொடுத்துக் கொண்டு வருகின்ற இருபத்திரண்டரை ரூபாய்க்கு அது ஒன்றரை மடங்காக இருக்குமென்பதுதான் அவர்களுடைய அதிருப்திக்கு காரணம். அதனால் ஜமீன் குடிகள் இந்த விஷயம் இன்னும் வெகுவாகப் பரிசீலனை செய்யப்பட்டுத் தக்க பரிசாரம் தங்களுக்குக் கிடைக்குமென்று எதிர் பார்க்கின்றார்கள்.

"அடுத்தபடியாக அந்த இடத்தில் நிலத்திற்குப் பாத்தியதையுடையவர்கள் ஜமீன்தார்களா, குடிகள், என்பதைப்பற்றி வெகுவாக, நன்றாக வாதிக்கப்பட்டாய்விட்டது. அதைப்பற்றி நான் ஒன்றும் அதிகமாகச் சொல்லப்போவதில்லை. ஆனால் ஒன்று மாதிரித்தான் நான் தெரிவித்துக்கொள்ள விரும்புகின்றேன். இங்கேயுள்ளவர்களால் பேசப்பட்டதில், இந்த ஜமீன் குடிகள் ஒன்றும் குறைகூறவில்லை என்றும், ஜமீன் குடிகளுக்கு இப்பொழுது நிலத்தில் பாத்தியதை இல்லாததினால் அவர்கள் (குடிகள்) அனுபவிப்பது ஒன்றும் குறையவில்லை என்றும், சொல்லப்பட்டது. ஏன் இவ்வளவு நாளாய் ஜமீன் குடிகள் அவர்கள் கஷ்டத்தைத்தெரிவித்துக் கொள்ளவில்லை என்றால், அவர்களுக்குப் போதுமான சாதனங்கள் இல்லாததினால் தாங்கள் சொல்லுவது ஜமீன்களிலும் கவர்ன்மெண்டிலும் எறாது என்ற நிலைமையில்தான் அவர்கள் சம்மா இருந்தார்கள் என்பது யாவரும் அறிந்த விஷயம். ஆனால் சமீபத்தில் அவர்களுடைய கஷ்டங்களையும் அவைகளுக்குப் பரிசாரம் தேடவேண்டுமென்றும் அவர்களுக்குள்ளேயே சங்கங்கள் வைத்து அடிக்கடி சொல்லி வருகின்றார்கள். அவர்கள் ஜமீன் குடிகள் என்ற ஒரு நிலைமையில், அவர்கள் படுகின்ற கஷ்டங்கள் சொல்லமுடியாது. அவர்களுக்கு நிலத்தில் பாத்தியதை இல்லையென்று நினைத்து, ஜமீன்தார்கள் அவர்களை எந்த விதமான கஷ்டங்களுக்குள்ளாக்கினாலும் அவர்கள் பொறுத்துக் கொண்டிருக்கிறார்கள். ஆகையினால் இந்த நில பாத்தியதைப் பிரச்சனையை கட்டாயம் இந்த ரிப்போர்ட்டில் கூறியிருக்கின்றபடி திருத்த சட்டம் கொண்டு வந்தாலொழிய, ஜமீன் குடிகளுக்கு இனிமேல் நன்மை ஏற்படமுடியாது. ஆகையினால் இந்த நில பாத்தியதை குடிகளுக்குத்தான் என்று சட்டம் இருக்கவேண்டும். அயன் நிலங்களில் பாத்தியதையுள்ளவர்கள் அனுபவிக்கின்ற ஓர் நன்மையை இந்த ஜமீன் குடிகள் அனுபவிக்கவில்லை.

"இந்த நில பாத்தியதையைத் தவிர காடுகள் மலைகள் பாத்தியதையைப் பற்றி இங்கே விரிவாகப் பேசப்பட்டது. ஸ்ரீ பிரகாசம் அவர்களும் இதைப்பற்றிச் சொன்னார்கள். ஆனால், 'காடுகளையெல்லாம் சர்க்கார் குடிகளுக்குக்கொடுத்து வருகின்றார்களா? ஜமீன் காடுகள் மாதிரம் குடிகளுக்கு சொந்தமாக இருக்கவேண்டுமென்று சொல்லுகிறீர்களே' என்று இங்கே கேட்கப்பட்டது. அயன் நிலச்சுவான்தார்கள் காடுகளிலும், மற்ற நிலங்களிலும் எவ்வளவு அனுபவிக்கின்றார்களோ அவ்வளவு ஜமீன் குடிகள் அனுபவிக்கவில்லை. அங்கே காடுகளிலும் மலைகளிலும் தங்களுக்குத் தேவையான வஸ்துக்களை அவர்கள் தாராளமாய் எடுத்துவருவதுபோல் இங்கே ஜமீன் காடுகளில் அனுமதிக்கப்படுவதில்லை. அதுவும் தவிர இந்த ரிப்போர்ட்டில் சொல்லி

27th January 1939] [Srimathi V. Lakshmi Ammal]

இருப்பதானது காடுகளை குடிகள் சொந்தத்தில் விட்டு அழித்துவிடவேண்டுமென்று இல்லை. கவர்ன்மெண்டார் கண்காணிப்பில் அவர்களுக்கு விட்டு விடவேண்டுமென்றும் அவர்களுக்குத் தேவையான சாதனங்களை அந்த மலையிலிருந்து எடுத்துவர பாத்தியதை இருக்கவேண்டுமென்றும் தான் இந்த ரிப்போர்ட்டில் சொல்லப்பட்டிருக்கிறது. அதுவும் தவிர இந்த மலைகள் ஜமீன்தார்களுக்கு இப்பொழுது சொந்தமாய் பாவிக்கப்பட்டிருப்பதினால் அநேக கெடுதல் இருக்கின்றன. இப்பொழுது சிங்கம்பட்டி மலை சிங்கம்பட்டி ஜமீனைச் சேர்ந்தது. இந்த மலையை இப்பொழுது தொண்ணூறு வருஷங்களுக்கு ஒரு கம்பெனிக்காரருக்கு குத்தகைக்குவிட்டு அவர்கள் இந்தக் காட்டைப் பூராவும் அழித்து எலம், கிராம்பு, உ முதலியவைகளை உண்டுபண்ணுகிறார்கள். அதனால் காலா காலத்தில் மழை பெய்யாமல் போகிறது. மலைகளிலுள்ள மரங்களை வெட்டி அழிப்பதினால் மழை பெய்யாமல் அயன் நிலங்களிலிருக்கின்ற குடிகளுக்கும் கஷ்டங்கள் ஏற்படுகின்றன. ஜமீன் நிலங்களிலிருக்கின்ற குடிகளுக்கும் கஷ்டங்கள் ஏற்படுகிறது என்று சொல்லி குத்தகைக்குவிடுங்காலத்திலே அங்கேயுள்ள அயன் நிலங்களுக்குச் சொந்தக்காரர்களும் ஜமீன் நிலங்களுக்குச் சொந்தக் காரர்களும் அதை ஆசைப்பித்தும், அதைக் குத்தகைக்கு விட்டிருக்கிறார்கள். அதனால் அநேக இடைஞ்சன்கள் ஏற்பட்டிருக்கின்றன. ஆறுகளில் நீர் வராமலிருக்கிறது. ஆகையினால் இந்தக் காடுகள் கவர்ன்மெண்டார் பராமரிப்பில் இருக்கவேண்டியது அவசியம். காடுகளில் இந்தக் குடிகளுக்கு வேண்டிய சாமான்கள் எடுத்துக்கொள்ள பாத்தியதை ஏற்படவேண்டியது அவசியம்.

"அதுவும் தவிர ரிப்போர்ட்டில் இன்னொன்று கூறப்பட்டிருக்கிறது. 175-வது பக்கம் இரண்டாவது பாராவில் என்ன சொல்லி இருக்கின்றார்கள். திரு நெல்வேலியில் இருக்கின்ற ஜமீன்கள் எல்லாம் வேறு மாதிரி, மற்ற இடங்களிலிருக்கின்ற ஜமீன்கள் எல்லாம் வேறு மாதிரி என்று சொல்லப்பட்டிருக்கின்றது. அதாவது திருநெல்வேலி ஜில்லாவில் அயன் நிலத் தீர்வையையும் ஜமீன் கொடுக்கும் பேஷ்களையும் வசூல் செய்து அனுப்பு வதற்காக (rent farmers) குத்தகைதார்கள் நியமித்ததினால் இந்த முறை வேறு முறை என்பதாகச் சொல்லப்பட்டிருக்கிறது. அதுவும் தவிர திரு நெல்வேலியிலுள்ள ஜமீன்கள் விஷயமாய் போதுமான புள்ளி விவரங் களும் விஷயங்களும் சொல்லப்படவில்லை. இதற்குக் காரணம் அங்கே யுள்ளவர்கள் இதில் வெகுவாக சிரத்தை எடுத்துக்கொள்ளாமலிருந்து விட்டதுதான். திருநெல்வேலி ஜில்லாவானது கம்பெனியினுடைய அக்கிஷ் குள் கடைசியாகத்தான் வந்தது. அந்தக் காலத்தில் திருநெல்வேலி ஜில்லாவிலுள்ள ஜமீன்களும் குடிகளும் ஒத்து குடிகள் சவுகரியமாகவே இருந்திருப்பார்கள். அவர்களுக்கும் சன்னது (sana) கொடுத்து ஜமீனைச் செய்திருக்கிறார்கள் என்ற நிலைமையில் எல்லா ஜமீன்களைப்போல் இந்த ஜமீன்கள் விஷயத்திலும் நன்றாக விசாரித்து ஜமீன் குடிகளுக்கு வேண்டிய பரிசாரம் தேடவேண்டுமென்று நான் கேட்டுக்கொள்கிறேன். இதுவும் தவிர குடிகள் காங்கிரஸ் கவர்ன்மெண்டு அதிகாரத்திற்கு வந்த தும், தங்களுடைய பாத்தியதை நன்றாகக் கவனிக்கப்படுமென்பதற்கு நினைத் துக்கொண்டு இப்பொழுது இருக்கிறார்கள். முன்காலத்தில் அவர்கள் அம் மாதிரி நினைத்து தகுந்தபடி சிரத்தை எடுத்துக்கொள்ளாததற்குக் காரணம் ஜமீன்தார்களுடைய சொல் சக்திதான் கவர்ன்மெண்டுக்கு ஏறிக்கொண்டு வந்தது. ஆகையினால் அந்தக் காலத்தில் அவர்களுடைய விஷயமாய் அவர்கள் ஒன்று செய்யவில்லை. இப்பொழுது அவர்கள் நிலைமை சரியாக கவனிக்கப்படுமென்று அறிந்து இந்த ரிப்போர்ட்டு வந்தவுடனே தங்களுக்கு அநேகம் சௌகரியங்கள் வந்துவிட்டதாக நினைக்கிறார்கள். ஆகையினால் கூடிய சீக்கிரத்தில் இந்த ரிப்போர்ட்டில் கூறியுள்ளபடி ஒரு தகுந்த மாதிரி யான சட்டம் இயற்றி ஜமீன் எரியாவிலுள்ள குடிகள் கொடுக்கும் தீர்வையைக் குறைத்து அவர்களுடைய நில பாத்தியதையை என் றென்றைக்கும் சாஸ்தவமாக நிலைநாட்டவேண்டுமென்று கேட்டுக்கொள்

[Srimathi V. Lakshmi Ammal.] [27th January 1939]

கிறேன். ஸ்ரீ காலா வேங்கட ராவ் அவர்கள் கொண்டு வந்த திருத்தப் பிரேரணையை ஆதரித்து அதி சீக்கிரத்தில் பரிசாரம் செய்து வேண்டுமென்று எனம் ரெவின்யூ, மத்திய அமைச்சர்களைச் சேர்ந்துக் கொள்கிறேன்.

* D. SAIYED IBRAHIM SAHIB BAHADUR:—"Mr. Speaker, I thank you very much for kindly calling me to speak after three days. On this question I am not going to deal point by point, but at any rate, I will give my suggestions on the whole Report.

4-45 p.m. "On the question whether the zamindar or the tenant is the proprietor of the soil the report of the majority of the Estates Land Act Enquiry Committee has the merit of having recommended the confirmation of the political and legal validity of the Regulations relating to the Permanent Settlement of the zamindari and other proprietary estates in this Presidency, though the conclusions are unfortunately based upon a complete misunderstanding of the objects, scope and effect of the Permanent Settlement Regulations. The interpretation sought to be put upon them runs directly counter to the express terms and declarations and all accepted canons of construction of statutes and are further opposed to the judicial pronouncements of the highest tribunals of the realm and the administrative proceedings relating to this subject for more than a century.

"The Permanent Settlement in this Presidency proceeded on the footing, that whatever might have been the interests of zamindars and other landholders prior to British occupation, the Government would grant to them, their heirs, and assigns a permanent property in all the lands possessed by them at the time when they obtained a permanent title from the Government and would fix for ever a moderate assessment of public revenue on such lands, the amount of which would never be liable to be increased under any circumstance. The object of the Permanent Settlement was to confirm the zamindars in their holdings at a fixed and an unalterable rent and to confer upon them, their heirs, and successors a permanent property for all time to come.

"It has to be remembered that in 1802 and in the subsequent years istimiri sanads were granted to three classes of landholders, some of whom were representatives of those who were really ruling princes. Within their small kingdom they exercised all the powers of a ruler. They made treaties and had their own coins as in the case of Ramnad (37 Mad. 322). The manner in which the Permanent Settlement of Venkatagiri and other western palayams was effected is relevant for the purpose of refuting the sweeping generalization that all zamindars are renters. The chieftains of these western palayams were exercising powers of sovereignty as Viceroys of the Nizam of Hyderabad or of the Nawab of the Carnatic (6 Madras H.C.R., 208 and 9 I.A. 293). Besides these two classes of holders, zamindars were carved out of the haveli lands in the Circars, and the purchasers of these

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estates were placed on the same footing as the descendants of ancient chiefs and rulers who were already in possession of the land. The result of the settlement is to place all landlords on a uniform legal status. The zamindars were constituted proprietors of their estates and their lands were regarded as security to Government for the due realization of the public assessment.

"In the agricultural economy of South India, it was the duty of the King to clear forest lands and form village units. The King had to take the initiative in the formation of villages, providing for the maintenance of settlers and the remuneration of village officers and artisans. The villages were organized and self-sufficient, with a complete establishment of artisans and craftsmen enabling them to continue their collective life. The zamindari of Mannarkotta furnishes a glorious instance of a Pandian King prescribing for the reclamation of a vast area of arable land.

"There can be no doubt that the effect of the Permanent Settlement was to vest the irrigation sources, channels and tanks in the zamindars. In accordance with the policy enunciated in the fifth report, their Lordships of the Privy Council have found in several cases that the soil vested in the rulers who drew their land revenue in the shape of a share in the produce of the soil. The established practice in Southern India has been to allow the tenant one-half of the produce of his crop for the maintenance of his family and the cultivation of the land while the other half is appropriated by the proprietors. The Government of Madras has declared as early as 1796 that the Sovereign, whether he be a Hindu or Muslim, is the lord of the soil. The ruling power reserved to itself the implied right and actual exercise of the proprietary possession of all lands. The mere fact that rulers in India generally collected their land revenue by taking a share of the produce of the land is not by itself evidence that the soil of land was not owned by them and could not be alienated by them. It should be remembered that the property taken into account in arriving at the jumma is by no means necessarily the same as the property upon which the jumma is chargeable and all that is chargeable with the jumma or peshkash is included in the grant.

"The istimiri sanads granted to the zamindars and other proprietors under Regulation XXV of 1802 are title-deeds. It would be a serious breach of faith to reverse the legal relationship between the zamindar and his ryot by introducing violent changes of a confiscatory character which is calculated to spell the ruin of both at one stroke.

"Under the Permanent Settlement scheme the village units have been made to cluster round a proprietor as a sole prop for the general welfare and prosperity of the ryots. As a quasi-public financing corporation the zamindars have been made to enter into terms and obligations to contribute towards the improvements of

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the lands and the lot of the peasantry in their respective estates. To strike at the zamindar's position and to cripple his finances would be like striking at the trunk of a tree with spreading foliage. To drive a wedge of misunderstanding between the zamindar and his ryots is a stroke of bad policy. It would have been better for the Committee to have recommended the introduction of appropriate provisions calling upon the zamindars (a) to present an annual statement of occupied and unoccupied lands of the ryoti stock in each village unit within their respective estates, (b) a statement of available waste lands and the nature of the crops that might be grown on them in the off-seasons, (c) an annual budget for the maintenance of the irrigation sources and tanks in perfect condition, (d) an annual scheme for opening co-operative stores for seed-grains and pulses and improved agricultural implements and indicating the centres at which they would be available for collective farming on a large scale or otherwise. The zamindar is in a better position and compellable under the Permanent Settlement scheme to contribute to the agricultural prosperity than the Government with its many-sided responsibilities and deficit budget.

"There is no warrant for the proposal of the Committee that it should be declared that the ryots have proprietary rights in all forests, wastes and porambokes.

"The figures shown as agricultural income in rupee value should not be confused as income by reason of enhancement of rent. From 1800 to 1870 paddy was selling at 100 measures per rupee and oscillated between 12 annas to Re. 1-4-0. Other pulses were twice or thrice cheaper. Villages which were remotely situated from metropolitan centres and markets did not command any sale of their produce for want of facilities of communication. The devaluation of the rupee and opening up of means of communication have been the direct causes of the increased income in money value. The policy of the Government in permitting emigration of hundreds of thousands of agriculturists to work in the plantations and mines beyond the seas is responsible for the abandonment of large areas of cultivated lands in several of the village units. To that extent the zamindar has been deprived of the profits which would have accrued to him on such lands. Further the zamindar has to maintain a central establishment and branch offices for collection and maintenance of irrigation works on the footing of salaries payable, not in kind as of old but in money, on a scale as in Government offices.

"No part of the Permanent Settlement Regulation states or gives room for the inference that the zamindars are mere assignees of land revenue and that the rent as between the zamindar and the ryot was fixed as a preliminary to the entering into of permanent settlement engagements as between the Government and the

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zamindar. The majority report of the Committee construes the words 'proprietor of the soil' in Regulation XXV of 1802 as having been used in an 'Indian sense' and not in the 'English sense.' This is a strange method of evading the connotation of express words used in the Regulation, though there is no warrant for such a distinction as the 'Oriental sense' and the 'English sense.' It is an unwarranted assumption to say that the language of the Instructions or of the Regulations is loose or defective or that the Government or the Legislature did not mean what they said in their official records.

"The Madras Estates Land Act of 1908 has settled the relation between the landlord and his ryots in a sympathetic and generous spirit. It was a piece of agrarian legislation far in advance of the laws prevailing in other provinces.

"The crop-sharing system is the normal system in the collection of rent. The terms melvaram and kudivaram are peculiar to Southern India and are sufficiently forceful to indicate the relationship that existed between the landholder and his tenant. The melvaramdar is the residuary proprietor of all the ryoti stock in the village. He alone has the right to admit to occupancy of a holding and to escheat where the ryot dies without issue. He is the person to whom the ryot has to surrender his holding when he abandons it. He is the person who is entitled to eject his ryot when he impairs his holding by diverting it to non-agricultural uses permanently.

"Permanent occupancy right is not an universal incident in a ryot's holding. If claimed, it has to be established. It is a privilege to the hereditary possession and usufruct of the soil so long as the ryot renders the customary portion of the produce as rent. The holder of a kudivaram interest is not strictly a co-owner, though the interest which he has is heritable and alienable. In this respect there is no difference or distinction between a ryot holding in a zamindari and one holding lands in a Government village.

"The Act of 1908 has conferred or declared a permanent right of occupancy on every ryot in possession of ryoti land and such right of occupancy has been declared to be heritable and transferable by sale, gift or otherwise. Sufficient safeguards have also been provided for the preservation of his rights against oppressive enhancements. The Estates Land Act has also recognized the obligation of the landholder to keep irrigation works in a state of repair.

"There is no justification for the wholesale disturbance of the existing provisions and arrangements in the Estates Land Act, especially when the rents now payable are not proved to be generally oppressive: nor is there any warrant for extending the obligation

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of the zamindar to construct new works without claiming enhancement of rent on that account.

“ Clause 16, sub-clause (2) of the draft Bill seeks to give a statutory declaration that all enhancement over and above the rates of 1802 are illegal. In fact what was settled for ever under the Permanent Settlement Regulation was only the peshkash or the assessment and not the rent payable by the ryot to the landholder.

“ If the zamindar is entitled to collect his rent, his customary melvaram, there is no justification for commutation at the price of grains which prevailed in the year preceding the Permanent Settlement. There is no provision in the Rent Recovery Act of 1865 empowering courts of law to commute grain rent into cash rents. It is unjust and inequitable to confiscate rights ripened by prescription. Prescription is a legitimate source of rights and must be recognized in all legislation which proceeds on a non-revolutionary basis, especially when the majority report concedes that Regulation XXV of 1802 did not declare the permanent right to occupancy and its unalterable character.

* SRI N. S. VARADACHARI:—“ Sir, time being very valuable on this last day of the debate on this important matter, I do not propose to weary the House by any lengthy speech or to cover trodden ground once again. I shall merely touch upon a few points which in my view will be a contribution to the debate. The Hon. the Revenue Minister and the Hon. the Prime Minister have succeeded fully in removing several misconceptions and misapprehensions in the minds of the public and of the hon. Members opposite and it is really unnecessary for any one on this side of the House to speak on these things any more.

“ Sir, it is my firm conviction that the ultimate goal of all land revenue policy in this country should be to exempt small holdings from land tax altogether, and that agricultural incomes alone as such above a certain limit should be adequately taxed for the sake of public revenue. Viewed from this aspect, we are as far away from that goal as we were even a thousand years ago. And yet hon. Members opposite are characterizing the recommendations of the majority of this Committee of the Legislature as far-reaching, nay, even revolutionary and expropriatory. It is said that we are trying to import Moscovian principles, to introduce Bolshevism and what not.

“ Sir, I do not wish to deal with this point at any length, but I say emphatically that if there is one political institution in this country which is standing between Moscow and India, it is the Indian National Congress; and hon. Members opposite, who have suddenly become the champions of this antediluvian zamindari system will do well to ponder over the implications and the

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Moscovian consequences of their own attitude against all reforms and against all relief to the miserable down-trodden millions of peasants in this country. I earnestly appeal to all these champions and more especially to the zamindars themselves to see ‘ the writing on the wall ’ clearly and not try any further to hug too closely to their privileges, to their prescriptive rights as deduced from an array of decisions from the High Court and the Privy Council from whom the real truth has been successfully concealed during the course of more than a century, and not to be indulging in a hopeless attempt at legalistic formalism in the interpretation of the Permanent Settlement Regulations of 1802 and of all the statutes that have come after them. The time has come for a broad and generous treatment of the ruined millions in these estates in the interests of the zamindars themselves, to prevent a catastrophe that may overtake them without any notice whatsoever. For God’s sake do not tinker with the problem of hunger and misery lest it burst out in all its fury unawares.

“ Sir, I claim that the recommendations of the majority constitutes an example of the most notable application of the sacred Gandhian principle of truth and non-violence. The zamindar is not wearied of swearing by the Permanent Settlement for insisting on the ‘ pound of flesh ’—these were exactly the words used by the Hon. Mr. Forbes in his speech when introducing the Act of 1908. The report of the majority of the Committee of this House has at last given the only natural answer that can be expected under all the circumstances, narrated so ably by the Hon. the Prime Minister yesterday. The answer is really this: ‘ Have your pound of flesh by all means, but thou shalt not spill a drop of blood in this operation. Spare this blood spilling and you will be all the better for it. Recognize the sovereignty of the people—the very people on whose welfare your welfare depends.’

“ Sir, there has been a lot said against the view of the Committee in regard to the position that the rent payable by the ryot has been fixed permanently and unalterably and this criticism has also been well answered from this side of the House. But it would be well to remember further that not only were the rents fixed permanently and unalterably but I maintain also that at least as long as this zamindari system is allowed to survive in this country, not even the Government has a right to put any more burdens on the lands in these estates. The unfortunate ryots have been held for at least over a century beyond the limits of perfect recovery and it is the duty of any humane Government to give them a respite of at least two centuries to recover their manhood and their economic health. With small holdings as the rule in land ownership in this country, it is absolutely inconceivable as the Hon. the Prime Minister has ably shown, that third parties

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are going to benefit from these recommendations and any legislation that may be based on the same. While this is so, there is no question of the State attempting within any measurable distance of time to put additional burdens on the lands in these estates. After all, what is the great amount of relief sought to be given under the recommendation of the Committee? It has been compelled though for very relevant reasons and under very compelling circumstances, to fall back upon the very exorbitant public demand of *half the gross produce* in the majority of cases—which leaves no great margin for the helpless ryot and his family. This principle of half the gross produce might not have been very ruinous at the close of the 18th century, when our cottage industries were affording a real additional income to our peasants. Thanks to all the exploitation that has gone on on a terrible scale since 1802, the peasant can no more afford to bear any additional burden on the land imposed even by the State with its sovereign power.

“ Sir, the Sovereign had never any right over the *soil* itself. If it were so, we would never hear of the private estates of His Majesty in England or of the ‘private land’ of the zamindar since 1802 down to 1939. The sovereign and the zamindar much more were later inflictions on society and if they were to be possessed of private property of their own, what is the *real kind* of proprietary right that they possess in the lands? And so it is, Sir, that the Committee have at page 141 of their Report declared unequivocally, that not even the Government has any right to enhance the rents in these estates. And if we remember the goal of all land revenue policy as it ought to be, namely, ‘no tax on the land, but on agricultural incomes above a minimum’, the bogey of third party benefits and the consequent claim that the State should be free to get as much benefit out of the land as it could by a direct tax on the land should be completely given up.

“ The next contention of the zamindar is that the occupancy right of the ryot can co-exist with the right of the zamindar of the soil and that the former right cannot be taken away by the zamindar’s ownership of the soil. This will be correct if it is assumed to start with that the ownership is in the zamindar and that the ryot has derived his right from him. But to-day the question for determination is: ‘Who is the owner? Is it the man that has been on the land for centuries and for ages, or the man who collects a tax from him for the public good?’ No great legal acumen or intelligence is required to answer this question. The soil is undeniably the property of the ryot. The real truth is that the so-called ‘right of occupancy’ is a fiction of the law and a tardy and paltry recognition of the immemorial rights of ownership of the man on the land.

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“ Sir, my friend opposite, the member representing the South Indian Chamber of Commerce, the other day indulged in a series of cheap gibes at the recommendations of the majority and at the inelegance of the language of the draft Bill appended to the Report. I was particularly amused at his stupendous ignorance of the administrative history of this Province. Referring to the graphs of prices in the third volume of the Report, he pointed out that the graphs relating to the Chittoor district gave no information about prices till 1911, he even forgot that the present Chittoor district came into existence in the year 1911 and that it was part of North Arcot district before that year and for North Arcot we have the graph till 1911 also.

“ I was still more amused at his great sympathy for the under-dog when his class is not prepared to share its unearned income with its assistants, its clerks, its labourers. I assure my hon. Friend that when our capitalists are prepared to share their profits with the workers, it will be time for them to demand particular attention to the under-tenant of this impoverished and starving ryot.

“ Hon. Friends opposite have referred to the question of the necessity for equalizing the position of the ryotwari tenants with the ryots in the estates. Sir, this demand assumes that the recommendations in the Report are going to place the ryots in the estates on a better and more favourable situation than the ryotwari tenant. I submit, Sir, that hon. members opposite may rest assured that the burden of the ryots in the estates will still be higher than the burden of the neighbouring ryotwari tenant and even if there should be a difference, it is so small that it does not deserve any serious notice. The zamindars cannot and ought not to ask for more.

“ Again, Sir, a demand has been made for subjecting the recommendations to another committee of experts. In its memorandum the Landholders’ Association has declared that it will submit to the decision of a ‘panel of lawyers’. No doubt a Government will under certain circumstances be well advised to seek legal advice for some of their measures. But the attitude behind this demand is in my opinion, Sir, an insult to the sovereign rights of this Legislature which has the right to decide for itself as to what is really for the welfare of the unfortunate millions in these estates.

“ In conclusion, Sir, I wish to appeal to the Government that any legislation that may be framed on the lines of these recommendations may include a provision making it compulsory for the Government to take over the management of any estate that is offered by a zamindar, and that on such offer being made, the

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Government should have the right of administering it according to principles to be enunciated by them for the ryotwari areas, the net profits alone going to the zamindar who will thereafter have no more reversionary right to the management of these estates. I am sure, Sir, that the zamindars will all find it to their own advantage and profit to do so in future. Under such an arrangement they will be free to live the modern life of the absentee landlord without the worries of collection of rent, arrears of rent, law charges and litigation, victimization by corrupt subordinates, concealment of cultivation by their karnams and a host of other trouble—which is the normal feature to-day in every estate.

“There are those among hon. Members opposite who say that the Government ought to take up the overhauling of the whole land revenue policy and not to deal with it piecemeal in this manner. Is this a modest and innocent demand? I can understand the sincerity of the views of one of the hon. Members on this side of the House who is, in season and out of season, insisting on the bringing into existence of the ancient village community in India and that until that is done, no real reform, political, social or economic, is of any value. But I am unable to believe in the *bona fides* of the former demand. To listen to this will be nothing short of a deliberate attempt to shelve the problem. Perhaps we may have to wait till Doomsday to get any relief for the zamin ryot.”

* H. S. HUSSAIN SAHIB BAHADUR:—“Sir, this Report is not a recommendation of the Government. It is a report that had been made to this House by a duly constituted parliamentary Committee consisting of the members of both the Houses. The members of the Committee have taken great pains and have made a lot of research work by taking not only oral evidence but also examining ancient documents. Sir, in my opinion, the majority of the Committee have arrived at a correct conclusion in regard to the nature of the ownership of the soil in the zamindari areas. From the Regulations themselves it can be seen that the right of the ryot to the soil had been recognized not only at the time of the Permanent Settlement Regulations but even prior to them. That has been the recognized right of the cultivator who brought land under cultivation from the earliest times. Sir, that being so, we need not bother very much about the nature of the right to the soil that the ryot possesses. But the Regulations, on which the majority take their stand for the conclusions arrived at by them, have created all this confusion during the last nearly 136 years. Sir, rightly or wrongly, this class of zamindars have come to regard themselves as the real lords within their own domains. Their attitude with regard to their status in their own areas must have been influenced to a very large extent by a long course of

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decisions of the law courts and I may also say that the Government also have, by tacit consent as it were, allowed them to go on in the fashion in which they have done. Sir, while considering the real status and position of the zamindars in relation to the ryots who are cultivating or are letting out their lands to under-tenants of the estates, we must not forget that we have to face facts as they are to-day and not as they ought to be; in 1802 the conditions were certainly quite different from what they are to-day.

“One hundred and thirty-six years have rolled by and the 5-15 world has made tremendous progress since that year. Sir, it P.M. may be said that fundamental principles should be the same then and now. I agree that fundamental principles cannot be changed. But with regard to other factors and other activities of life the present day conditions have changed. I would, therefore, say that if we are to legislate upon this particular matter to-day, we must face, though not the fundamental facts, the other facts as they are to-day. The Hon. the Premier in his speech has added one more proof to the position taken up by the majority committee report by mentioning the Impartible Estates Act. Now, Sir, that Act also shows the nature of the right which the zamindar possesses to the soil. But at the same time, it confers certain other rights. That right is that the estate is not partible and that the eldest son only is entitled to the estate. That again, I must say, is an adaptation of the English law of primogeniture. Whatever it is, the English notion is introduced there also, as the principle of English law with regard to landlord and tenant was also introduced in the case of the Estates Land Act when it was passed some years ago. The Englishmen who were responsible for the passing of that Act and the Regulations in this country had some confused ideas about the land tenures prevailing in this country at that time, they having fixed notions of land tenures prevailing in their own country. Although the fact may be that the zamindars were middlemen and were agents of the Government for collection of revenue, when in the year 1802, the land revenue payable by the zamindar was fixed, the Government lost its right to increase the land revenue assessment; and so long as the Permanent Settlement Regulations were in force, the zamindar enhanced his share of assessment on the soil. But, Sir, on that account, we cannot say that the rate of assessment prevailing in the zamindari areas is unalterable and fixed. Conditions have changed; we are in modern times; we are having an autonomous Government and we are a Sovereign Legislature. Therefore we can make laws and repeal laws and regulations which were passed centuries ago. We must have laws which must suit the present time. If, however, the Government or at any rate the majority

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report wants to continue this institution of zamindars, I would say that they must place the zamindars on a firmer basis so that they may discharge their duties properly and efficiently.

It has been said that all revenue—I would call it rent—payable by the ryots is land revenue assessment payable to the Government and the zamindar is simply to collect that amount and nothing more. Under two conditions only he could increase his share of revenue, i.e., one-third of the land assessment: first, by producing articles of greater value and secondly by bringing more land under cultivation. If that has happened in many of the zamindari areas, the income in the zamindaris on that account must have increased since the year 1802. I do not know if this Committee has gone into that question deeply and found out the reasons for the increase of revenue in the zamindari areas in this Province. There may be some zamindaris where the rent that was fixed in 1802 or the areas which were under cultivation then might have increased on account of the increase in prices in subsequent years. Even in such cases the tenant or the ryot—to give his proper name—agreed to pay a particular rate and the zamindar has agreed to take that rate. By mutual consent such rates have been fixed. Therefore it cannot be said that by coercion or oppression alone the zamindars were able to get a higher rate of rent. Therefore, in cases where in spite of the fact that rates were fixed originally, the zamindar is getting a higher rate of rent, there may be need for reform. In other cases where more lands have been brought under cultivation since the year 1802, it may be said that even in those areas the rates should be the same rates which were prevailing in the year 1802. Well, Sir, if the rent was payable in kind in respect of new areas that have been brought under cultivation, I cannot see why the money value of the rent payable in kind should be the same as it was in the year 1802, in cases of lands which were waste lands at the time of the Permanent Settlement and which were subsequently brought under cultivation. Large sums of money must have been spent for this purpose and it is, therefore, proper that the rates or prices prevailing in the years during which more lands were brought under cultivation should be adopted. That arrangement, in my opinion, would be very fair and I hope as a compromise between the two extreme views, the Government will arrive at some such decision if they really propose to introduce a legislation to ameliorate the condition of the ryots in zamindari areas.

“ Sir, I know that after hearing the lucid speech of the Hon. Premier the Government and the whole party behind it appear to be committed to the majority report as if it were unalterably and permanently fixed. But there are so many considerations on account of which we will have to make certain alterations and arrive at a compromise so that the zamindars may not be placed

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in a worse position than what they were in the year 1802. If the majority report concedes that the zamindars are still useful and are necessary, I think it is up to the Government to see that the position of the zamindars in future is not in any way jeopardized or their status reduced. But whatever might be the conclusions of the majority report and whatever might be the attitude that the Government are going to take up on this question, I would say that a uniform system of land revenue for the whole of the Province is not only the best but the most suitable. If you want to better the condition of the millions of the agriculturists who are to-day indebted to the extent of 200 crores, if you want to improve the condition of these people, I would say that you must have a uniform system of land revenue and that system appears to be the ryotwari system. The Government have got their own establishment in the ryotwari areas for the collection of land revenue and I would say that the ryotwari system is a most perfect system. When we are in civilized times, when we are having autonomous Government, and when we are having our people's Government in our Province, it is but proper that we should not take our stand on some documents of 1802 and say that we are going to perpetuate the same system and thereby want to restore the zamindars and the ryots to the original position in which they were in the year 1802. That, in my opinion, is not a correct thing to do at the present moment. I would, therefore, say that, if you want to have a better system which will result in the greatest good for the greatest number, that is to say for the greatest number of agriculturists of our Province, you must completely change the system of land assessment in these areas.

“ After hearing the speech of my hon. Friend, Mr. M. C. Rajah, I felt glad that he was pleading for the cause of the masses including his own community. They are the sort of people who are being trodden down and their lot has to be improved. If the condition of these people is not going to be bettered in any way by the legislation that is now proposed, by some adjustment or by regularizing the conditions or by improving the existing relations between the zamindars and the ryots in zamindari areas, I do not think we shall be doing the right thing. When we have got the power to do it and when we have got the opportunity to do it, why should we not make the utmost use of both? This, Sir, is the time for us to act and we should not, under the guise of doing something for the benefit of the larger number of people, viz., the ryots in zamindari areas, be perpetuating an out-worn institution which was in existence nearly one and a half centuries ago. But if you are going to do it by retaining the zamindars, then give them their due share and the right place which they deserve. On the other hand, if you want to do good for the masses, I would go even the length of saying ‘Do away with that old institution

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credit of the Government in this Province.' ”
and have some other kind of legislation which would stand to the

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* THE HON. SRI V. I. MUNISWAMI PILLAI:—“ Mr. Speaker, I had not the intention of taking part in this debate; but after the speech of the hon. Member, Rao Bahadur M. C. Rajah, I thought it necessary to make a few observations on some points which he has dealt with in a wrong way. Sir, the Committee that has been constituted has been given certain terms of reference and I think the Report covers those points. My hon. Friend said that no reference has been made in regard to the agricultural labourers in this Report. I do admit it, but where does it come under the terms of reference? That is the question. Every member of the scheduled castes is fully aware of the disabilities of the depressed classes, but on that account can we cloud the issues that are before the Legislature? He has said that the Maharaja of Pithapuram has extended his charities to Harijans in Andhra Desa. I feel grateful to him for these small charities. But are we to welcome a system which has gone to the very root of the real economic position of the agriculturists? It has been in unequivocal terms pointed out that while the zamindars pay only Rs. 41 lakhs as peshkash, they are collecting to the tune of Rs. 2½ crores from the tenants. Because of that, they have to suck the very blood of the agriculturists. If there is a report drawn up to remedy matters connected with the tenants, it also goes to the very root and the very foundation on which the tenants live, I mean, the agricultural labourers. He said that he visited Pithapuram four years ago, but here are members representing the scheduled castes coming from several zamin constituencies and if they are allowed to speak in this House, they will give several instances of atrocities that are committed against Harijans in those places. And to-day, if only we go to Venkatagiri we can clearly understand what is the position of the Harijans there. At the time when the former Maharaja of Venkatagiri assumed office, I have been told that in the pattayams it is written that the Harijans should have a share in those properties. But to-day they are denied the very privileges of cutting fuel from the forests and so many other privileges that are due to them. Every scheduled caste representative is fully alive to those atrocities and it is to remedy those matters that both the Revenue Minister and the Prime Minister have said in unequivocal terms that once the system is changed and is placed on a better footing, things will go well not only with the tenants but also with the agriculturists.”

SRI G. KRISHNA RAO:—“ I object to the use of the word ‘atrocities.’ ”

* THE HON. SRI V. I. MUNISWAMI PILLAI:—“ My hon. Friend was saying that the Congress Ministers have not moved in

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the matter of alleviating the condition of the scheduled castes. A year ago, myself, and my Hon. Friends, Mr. Giri and Mr. Rajan, visited the Anamalais to study the question of plantation labourers there. And to-day the Government, after very careful consideration, have resolved to request the planters to increase the wages of the labourers and I am hopeful that the planters will agree to our suggestion. We have received several resolutions from the plantation labourers thanking the Congress Ministry for what it has done. Every day it is the duty of the Congress Ministers to find ways and means of alleviating the condition of the scheduled castes. I may tell you, Sir, that honest work is being done.

“ My hon. Friend said that in connexion with the Agriculturists Relief Act the question of agricultural labourers was not at all considered. I may tell you, Sir, that this matter is receiving the best consideration of the Government and it will not be very long before we see real legislation on that score also. With regard to the points put forward by my hon. Friend, if he had only waited a few days and seen what legislation is brought forward in this connexion based on the Report of the Committee, then he would have seen what the present Government are doing to alleviate the condition of the agricultural labourers. I may tell my hon. Friend and the other representatives of the scheduled castes here that though in the present Report mention may not be made about agricultural labourers, when the legislation is brought forward, certainly the agricultural labourers will find a place in it and their condition will be ameliorated.”

* KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—
“ Mr. Speaker, I thank you for giving me an opportunity of saying a few words on this all-important question which has been engaging the attention of the House for the last six days. The main object of the discussions and the Report is the amelioration of the condition of the ryots in the zamindari tracts. Amelioration of the condition of the tenants in the zamindari tracts is certainly of the utmost importance and ought to be undertaken, but at the same time I would urge that this cannot and does not mean the annihilation of the zamindars altogether. If any relief is to be given to the ryot, all the ways and means should be found, without really inflicting serious injury or doing great injustice to the other counterpart obtaining in the same system, namely the zamindar. Yesterday the Hon. the Premier, like the able advocate that he is, presented the case of the ryot in a fairly strong manner. He pointed out that even the Government of the King, as we may call it, is not the owner of the land, but that the ownership vested only in the people, in the ryots. I beg to submit, Sir, that I have studied this question at some length or at least taken some pains over it; and in my opinion, the question whether the revenue that is collected at present by the Indian Government is a

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tax or a rent is still not a settled question. So far as the ancient history of India and the history of the Moghul period is concerned, I am certain that the basic principle of the administration in those days was that the King was considered to be the lord and owner of the soil. It was on this basic principle that the land revenue system of ancient India and of Moghul India was based. So far as the land tenure that is obtaining in the Madras Presidency under the British Government is concerned, I should think that the same basic principle of the Government being the owner of the soil is adopted in the settlements obtaining at present. With regard to the argument advanced by the Hon. the Premier yesterday that the Government are not the owner of the soil but only the people, I would most humbly urge upon him that he should give effect to this theory and start reformation first in the Government area and then extend it to the zamindari tracts. Every resettlement that has taken place in this Province has based its rates and its enhancements on the principle that the unearned increment should go to the benefit of the Government. The resettlement report of every district will show clearly that this principle has been adopted throughout. If it is so, I think that the principle enunciated by the Hon. the Premier yesterday is entirely opposed to the principle that has obtained in this country for ages past. And if the principle of the Hon. the Premier is to be adhered to, I would request him to apply it first to the land revenue administration of the Province, make the ryot the owner of the soil and take from him whatever tax is due from him according to the rate which prevailed during the period of Sir Thomas Munro when the first ryotwari settlement was made. I think it was about the year 1796, if my memory of Indian history is correct, when it was decided that the present ryotwari system should be adopted for all the lands outside the zamindari areas. If the Hon. the Premier is prepared to adopt the same principle with the ryots on Government lands, I think it will be only proper to take steps to carry out the reforms in the zamindari areas only after the reforms have been carried out in the Government areas first. (An hon. Member: 'Why?') I am interrupted and asked why. It is for the simple reason that the zamindar, whatever his historical origin may be, has been given a certain legal position by the highest courts in the land and that position has been more or less accepted for more than a century and when now the principle of the ownership of the land by the ryot is sought to be adopted, I think it is but just and proper that the Hon. the Premier and his party should start it in the first instance by setting an example themselves before they start reformation of others and thrust the reform on other parties.

"In this connexion, Sir, I wish to remind the House of certain remarks made during the discussion on the Agriculturists Relief Act. It was then stated that the rent due to the zamindar was

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considered to be a debt due to the zamindar and legislation was passed wiping off that debt considering it to be an ordinary debt. Now the theory is put forward in the opposite way and it is considered that the rent due to the zamindar is not a debt due to him. If this is so there will be other difficulties arising in this matter. We have to stick to a certain basis and it is but just and proper that we should adopt one basis whether we legislate for debt relief or for zamindari ryots.

"Thirdly, Sir, I wish to say a few words about the comparative statement that was given to us regarding the peshkash of 40 lakhs and the collections made by the zamindar to the tune of 3 or 4 crores. In this connexion, may I point out that such statements have not at all taken into consideration—I do not know whether it is deliberate or out of ignorance—the fact that the zamindar has been called upon to pay the cesses to the Government? Not only that; there is also the cost of administration of the zamindari and that has not been taken into consideration. If a proper and comparative statement is prepared of these necessary and compulsory charges and placed before the House, it would give a right direction to hon. Members of the House to consider the question in all its proper aspects. It is not fair to state that the peshkash is only Rs. 40 lakhs and that the realization of the zamindars is about Rs. 2½ crores; it is not fair to point out, therefore, that the zamindar is lashing the ryot. That conclusion, if it is to be drawn, can be drawn only if proper comparative statements are placed before this House.

"Finally, Sir, I may say that I am neither a zamindar myself nor a ryot of a zamindar; all the same I may say that I have got ample experience of things obtaining in the zamindari estates, the actions of the zamindars as well as the sufferings of the ryots; I am only too well aware of these matters. I am bound to say that the ryot in the zamindari area does require amelioration in various ways; his condition is certainly exactly the same as that of the ryot in a Governmental area; the position of the ryot in the Governmental area also urgently demands amelioration. Nothing has been done by way of legislation for setting their house in order by the Government themselves. In this connexion I wish to state that the proper procedure for the Government is to set right the system of land revenue in their own area, before they start to set right the system that is obtaining in the zamindari area."

* SRI J. SIVASHANMUGAM PILLAI:—"Mr. Speaker, I would not have risen to speak but for the appeal of my friend, Mr. M. C. Rajah, who requested the members of the depressed classes to vote against the recommendations of the Committee. I have seen a similar appeal by Dr. Ambedkar. At the outset, Sir, I wish to tell this House that I am not an admirer of Manu.

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No doubt we all condemn Manu for his advocacy of the caste-system. Simply because he introduced the caste-system, it does not mean that we should not appreciate what is good in him.

"Mr. Rajah is of opinion that simply because one zamindar—I think he has cited the Maharaja of Pithapuram—has done good to the depressed classes, the Permanent Settlement should be perpetuated. Perhaps the Maharaja of Pithapuram may be an exception, but simply because one zamindar has done good to the depressed classes, it does not follow that Permanent Settlement should be perpetuated. Does Mr. Rajah know that there are several zamindars who behave like tyrants towards the agricultural labourers, who belong to the depressed classes? Mr. M. C. Rajah is of opinion that the ryots are all caste Hindus. He has forgotten the fact that there are depressed class tenants in the zamindari areas who also suffer greatly under the Permanent Settlement. I am of the opinion, Sir, that the depressed classes also stand much to gain by supporting the motion of Mr. Kala Venkata Rao.

• "Dr. Ambedkar is of the opinion that the recommendations of the Committee are illegal. Several members have made it clear to us that a law-making body like our Assembly can make legal what was considered illegal sometime ago.

"Before I conclude, Sir, I request the Government to form a Committee to enquire into the difficulties of the agricultural labourers—most of whom belong to the depressed classes—who are in no way better than slaves. I hope legislation would be brought in this House to relieve the actual agricultural labourers of their burden."

* THE HON. SRI T. PRAKASAM:—"Sir, I must thank hon. Members of the House—of all groups and sections—for the way in which they have approached the subject and discussed it without unnecessary heat and excitement in the matter. The subject is of such vast importance that it deserves very careful examination by every hon. Member. They have dealt with the subject to the best of their lights and abilities; except one hon. Member, all others were careful not to use any language that might be harsh.

"The Committee was appointed by this Legislature and the Committee did its best to finish the work as early as possible and submit the report. A Committee appointed by the Bengal Government or the Legislature—I do not quite remember which—came down here to know something about the conditions here. So far as I could gather, that Committee is expected to take about two years' time and the cost will come to about Rs. 4 lakhs. Our Government is poor; our people are poor; therefore the members of the Committee have obeyed the directions given to them and submitted their report at an early date.

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"It is stated, no doubt humorously, I take it, that the Revenue Secretary to the Government had not been taken into confidence and that he was not appointed the Secretary of this Committee. From his experience, the same speaker stated that it is the Secretary of every Committee that drafts the report. But I can assure the hon. Member and others—to remove any misgivings in this matter—that there was no motive behind not appointing the Revenue Secretary as the Secretary of this Committee."

MR. SPEAKER:—"As a matter of fact, the Revenue Secretary cannot be appointed as secretary to this parliamentary committee."

* THE HON. SRI T. PRAKASAM:—"Sir, we knew the difficulty and we were careful; the Committee was an elected body and the Committee had to elect, in its turn, the Secretary and that was done. Therefore there is nothing much in that point; but one point was stated in that connexion; if the Revenue Secretary had been appointed as Secretary to the Committee, it was suggested that he would have been an impartial Secretary . . ."

MR. SPEAKER:—"I may inform the House that a Government servant, a member of the permanent service, cannot be appointed secretary of a parliamentary committee; a member of this House or the Clerk of this House—the Secretary to the Legislature—can be appointed as secretary and nobody else can be appointed from outside as secretary to a parliamentary committee."

* THE HON. SRI T. PRAKASAM:—"Anyway, Sir, there was no mistake made by the Committee in that matter. To be more accurate, I was talking about the suggestion made that the Revenue Secretary, if appointed, would have been impartial."

MR. SPEAKER:—"The matter is not quite relevant now."

* THE HON. SRI T. PRAKASAM:—"Apart from its being in order or out of order, I am just trying to explain to the hon. Member who made that statement that there was no question of partiality or impartiality involved in the work. The Secretary to the Committee has only to do his business as Secretary. I am unable to understand wherein comes the question of partiality or impartiality. Such a question will never arise at all. The Secretary is not expected to write the report as he likes or to give his own decision in the matter. I do not understand what the hon. Member meant by saying that the Revenue Secretary would have made an impartial Secretary. He followed it up by saying that, if the Revenue Secretary had been appointed as Secretary to the Committee, he would be in a position to place all the other records which have not been placed before the House here. May I assure 3 p.m. the hon. Member that the Revenue Secretary would not have been

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able to do anything better than the Secretary who had been appointed by this Committee? (Applause.) In the matter of research work, no other person would have been able to do what had been done by the Secretary of this Committee. (Applause.) I can see the mental outlook of the hon. Member who made this statement. The hon. Member is still feeling that the conditions are still the old conditions; the hon. Member is still feeling that the Government has not changed even under this new dispensation; he was still imagining so when he told the Premier, 'At least in future, please take care to see that these officers are taken into confidence and that they are put in as secretaries to committees.' If the hon. Member had known that the Government has changed, that the constitution has changed, that all the members of this House are functioning to-day in the same manner in which the Members of the House of Commons are functioning in England, he would not have made that statement. Yet, there is some feeling in the minds of some that the old order should still continue to prevail. So long as we are in office, without any disrespect to our own officers who are charged with the duty of helping us, I may say that we shall be doing our duty; and I can say without hesitation that the Secretaries of the Secretariat who are charged with certain duties have been doing their best to help the Government in the best possible manner. In a House like this, that this statement should have been made is a matter to be regretted.

"Hon. Members have spoken for and against the Report. I do not propose, Sir, to give replies to all that has been stated by each one of the hon. Members. I have taken notes of the contentions, and I shall confine myself to those contentions mainly. The oppositionists' point is that the rights that have been vested in the landholders and that have been enjoyed by them for 138 years, the rights that have been affirmed and declared by the highest of the judicial tribunals, cannot be divested in this manner. Even if matters had been set at rest at the time of the Permanent Settlement and the peshkash as well as the rent had been made permanent and unalterable, it has been suggested by hon. Members who oppose this proposal, that for over a hundred years, the rights had been vested in the zamindars, rightly or wrongly; the rights had been enjoyed by the zamindars without any obstruction, without demur; and therefore, if you interfere to-day with such rights, that would be expropriation, that would be confiscation of rights. At the very outset, I started by saying that there was no proposal in these recommendations to divest any interest that had vested in the landholders, no proposal to confiscate any right that belonged to them at the time of the Permanent Settlement or that has been recognized subsequently either by way of legislation or by way of decisions in law courts. I would like to point out, taking the first part, legislation, that the right vested in the parties in 1802 under

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the Regulations passed on the 13th July 1802, were never divested under the subsequent legislations—the Rent Act of 1865 or the Estates Land Act of 1908. On the other hand, what was vested in the landholder and what was vested in the ryot under the Regulations of 1802, continued to be in force unquestionably until 1865. So far as the Permanent Settlement Regulations which dealt with the zamindars' interest are concerned, they are continuing even to-day. They are in force to-day; and they are under discussion to-day in this House. Taking the rights created in favour of the ryots under the Patta Regulation (under the Permanent Settlement Regulations), they continued to be in force unquestionably until the Patta Regulation was repealed and the Rent Recovery Act was passed in the year 1865. Section 7 laid down the rule that the tax of the ryots should not be enhanced under any pretext, for any reason whatsoever, and section 9 laid down that if, in spite of declaring the rights of the ryots permanent and unalterable with regard to tenure of the land, there should be any dispute in courts of law, the presiding officer should go back without making any other enquiry, to fasli 1210 or the year 1801 and ascertain from the register maintained by the karnam what the rent was then, and adopt that as the rent that should be paid by the ryots. Not one of the hon. Members who opposed gave a reply with regard to these rights, recognized in sections 7 and 9 of the Patta Regulation, even casually or incidentally, in the course of the debate that has gone on for so many days now. The rights created under these two sections . . . "

(At this stage the Deputy Speaker occupied the Chair.)

* THE HON. SRI T. PRAKASAM:—" . . . and also under all other sections continued until 1865—that is for a period of 63 years. And then what happened? If those rights had been taken away under the Rent Recovery Act and fresh rights had been created in favour of landholders, there would be some point in the arguments advanced generally by those who opposed this proposal. Not one has been able to say: 'Look into this Rent Recovery Act; there may be in the Patta Regulation these two sections; but the Rent Recovery Act has repealed the old Patta Regulation and has also created a right in favour of the zamindar negating the rights created in favour of the ryots.' In that event I would certainly agree that they have made out a point which we wanted them to urge. Not one did it. On the other hand, it was pointed out that these two sections, sections 7 and 9 of the Patta Regulation, were bodily included in clause 10 of the Rent Bill of 1863; and the Second Select Committee in their report accepted it—this passage was read out to the hon. Members of this House—and stated: 'Whatever may be the case about the actual ownership of the soil, we accept the finding of the Revenue Board in their proceedings 7743 of 1864, that the tenure

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was fixed and the rent was fixed perpetually and unalterably and we would proceed on that basis with the framing of the Act.' Not one gentleman has been able to give a reply to this. It was pointed out that section 11 of the Act embodied the substance of sections 7 and 9 of the Patta Regulation—not even bodily, or word for word, but in a different form and the Select Committee explained there: 'We accept these two facts, viz., that the tenure as well as the rent have been permanently fixed, and we are proceeding to amplify them by putting in a provision in section 11 of the Revenue Recovery Act.' That is what was stated, and section 11 came into existence at the time; and in the final stages when the Bill became an Act, these four clauses were introduced referring to enhancement: contract was one, survey of 1859 was one, custom and usage formed a third, and the fourth related to the established varam rate of 1801. Because these clauses have been put into this section in this form, it was pointed out that confusion was created in the interpretation of the section by some Judges. Chokkalingam Pillai's case was one of the earliest cases reported in 6, Madras High Court Reports, and later, Fakir Muhammad's case reported in I.L.R. 1, Madras.

Before I go into the cases to show that there is not a single authority upon which the opponents could rely in the decided cases, I will deal first with the legislative enactments to show that what was declared in the Patta Regulation continued in some form or other until to-day, even under the Estates Land Act, as it is supposed to be in force to-day. After doing that, I would take the cases that had been relied upon by the landholders in their written memoranda and other cases relied upon by the hon. Members of this House—they are not many—and show that either under legislative enactments or judicial pronouncements, no right had been created in favour of these landholders on the question of the fixity of tenure and fixity of rent perpetually. I have just now submitted that the Rent Recovery Act, section 11, that laid down these four clauses did not take away any rights that had been created in favour of the ryots, or in favour of the landholders. This was admitted by the hon. Mr. Forbes, a copy of whose speech has been placed in the hands of hon. Members of the House here. It was admitted and declared by him, that under the Rent Recovery Act of 1865, no rights had been created, no rights had been taken away, so far as that Act was concerned. He himself declared that it was a processual law, an Act that prescribed the procedure to collect the money that had to be recovered from the ryots. I request, Madam, the attention of the hon. Members to this fact, particularly: it was an Act that prescribed merely procedure. It never intended to take away any right from the ryots or the landholders, it never intended to create any new rights in favour of the landholder as against the ryot. Then, how

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did I say that it is true? The hon. Members of this House are all intelligent business men, some of them are also lawyers. How did I contend that this is true? Apart from my relying upon Mr. Forbes's speech, I request the attention of hon. Members to section 1 of the Rent Recovery Act which defines the landholder. Landholder under clause (1) was a zamindar or other proprietor or landholder, shrotriendrar or inamdar, etc. They were called the first class of landholders. Under clause (ii), a second class of landholders was created and introduced in the Act. The second class of landholders were the Government ryots. The ryots of the Government ryoti lands were included as 'landholders' within the meaning of section 1 of the Rent Recovery Act. The Act was intended to enable both classes of landholders to recover their rents under the procedure prescribed therein. If it had been intended to be an Act that would create rights or that would take away rights that had been created for the landholders or the ryots under the Permanent Settlement Regulations, they would never have clubbed the Government ryots with the zamindars and other landholders of clause (i). Two irreconcilable classes of landholders were put into that section for the sake of convenience. The Government that was collecting revenue from the Government ryots, the Government that authorized the landholders to collect revenue from the other ryots, was anxious to prescribe some procedure to enable their own ryots to recover rents from their under-tenants and they also prescribed a procedure to enable landholders to recover their dues from their ryots. So, hon. Members will notice that the Rent Recovery Act was meant not for the landholders and their ryots dealt with under the Permanent Settlement Regulations of 1802. That was why Mr. Forbes said that it was a mere processual law. It never created any rights, it never took away any rights. So, it cannot be contended by any stretch of imagination by any one of the hon. Members who have been opposing this, that the rights created in favour of the ryots had been taken away under the Rent Recovery Act and that they had been vested in the landholders under the Rent Recovery Act. Sir, I have cleared the ground so far as the first piece of legislation is concerned, that came up 63 years after the Permanent Settlement Regulations were passed.

"I have also submitted that in section 11 of the Rent Recovery Act, provision was made to protect the rights of the ryots. The first item, contract, was created. The second, survey of 1859 was referred to; local usage and custom were referred to as the third, and the fourth was that, if any of these things are not acceptable to the parties, they should go back to the established varam rate of 1801. So, you have got it there, but it is given in a different form, because that section was making provision not only for landholders, but also for the other class of Government ryots and other people who were defined as 'landholders.'

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"Passing on from the Rent Recovery Act, I request the attention of hon. Members of this House to the next piece of legislation, namely, the Estates Land Act of 1908. That Act also was merely a declaratory Act, it was a processual Act prescribing the procedure enabling the landholders to recover the moneys due from the ryots; and the difference between the Rent Recovery Act and the Estates Land Act on this matter is this. The Government ryots who were included under the definition of 'landholders' under the Rent Recovery Act of 1865 were omitted in the Estates Land Act. The Estates Land Act confined itself to landholders, zamindars, inamdars and others. Therefore, no right created in favour of the ryot had been taken away even under the Estates Land Act. On the other hand, although it may not be a complete recognition of section 9 and section 7 of the Patta Regulation, they have made provision in some sections to protect the interests of the ryots whose rents had been fixed permanently. Much stress has been laid on the point that when prices rise, whether it is not right that the landholder should be entitled to claim a higher rate. I submit, Sir, certainly not. What I am submitting now was also submitted in the past by others. What I am submitting now is recognized, if not wholly, at least to a very great extent, in the *Estates Land Act*. How was it recognized? So far as the right of the landholder to claim an enhanced rent on the ground of rise in prices is concerned, an express proviso was added to clause (i) of section 30 of the Estates Land Act, which deals with the enhancement of rents. That proviso laid down that this right to claim enhanced rent on the ground of a rise in prices shall not apply to lands on which rent had been fixed permanently. There is that proviso and I read that proviso to hon. Members of this House and not one hon. Member has been able to look into that proviso and say that this construction placed on the proviso by the mover is not correct and that this is quite a different matter. Not one. Why? Because there is no explanation for it. An hon. Member said that he was speaking his mother tongue and that I was not able to understand his mother tongue. Plain, simple words you have got there, namely, that with regard to enhancement of rent on the ground of rise in prices, *'this shall not apply to lands upon which the rent had been fixed permanently.'* What more do you want to show that.

10 So far as the four clauses upon which the landholders rely
2. to-day in respect of enhancement of rent, I shall deal with each one of them straightaway. The first clause I am disposing of now. It is in the Estates Land Act. In the teeth of the proviso to clause (i), as we have written in the report, suits have been filed by zamindars and decrees have been obtained for increasing the rent at 2 annas in the rupee on the ground of rise in prices. The highest courts were often requisitioned and if courts there are that sanction those decrees in spite of the express proviso to

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clause (i) of section 30 which relates to the enhancement of rents, is it wrong that we sitting here as members of the Legislature, as representatives of the people and as members of the Government, is it wrong to say that there should be no such decision and that that is the law for us! There is not one single case relied upon by the Opposition in which this proviso was considered and discussed by the court, by any court, either by the subordinate courts, or by the High Court or the Privy Council until now. If they had awarded decrees without looking into the express provisions of the law which were intended to give protection to the ryots, are those decisions binding upon the Legislature? They are not. In such a case, should we not as the representatives of the people and the Members of the Government point it out and say that it had been wrong?

"Next, Sir, there are other provisions in the Estates Land Act giving protection to the ryots. Take the chapter relating to the Record-of-Rights and the settlement of Rent. It is a very important chapter which goes to the very root of the matter. Leaving aside the Record-of-Rights, it is only right that I should first take the question of the settlement of rent when we are contending here that rents were settled permanently and unalterably in 1802 under three Regulations and when we have traced all the authorities both before and after the framing of the Regulations. It is suggested, 'Do not take away or destroy the Estates Land Act. It is a very sacred document. Amend it here and there!' I am going to the very root of the matter. Rents were fixed permanently and unalterably in 1802 and they were declared to be unalterable and that was not taken away in 1908 and when that Act was passed and when this chapter was adopted for settlement of rents what did it provide for? You will find, Sir, that so far as the rise in prices was concerned, that factor was taken into account in settling rents under the Act. Section 165, clause (e), refers to the Settlement of Rents and it lays down:

'When an order is made under the last foregoing section, the particulars to be recorded shall be specified in the order and shall include, either without or in addition to other particulars, some or all of the following, namely:—

- (a) the name of each ryot's landholder and of each landholder in the estate or portion thereof;
- (b) the name of the ryot, or where there is no ryot, the name of the occupant;
- (c) the situation extent and one or more of the boundaries of the land held by the ryot, as shown in the survey map of the village;
- (d) whether the land is irrigated, unirrigated, or garden land and if irrigated, whether double or single crop.'

All these were mentioned there to enable the Settlement Officer to take all these into account and settle rent again afresh leaving that Permanent Settlement alone. But when they came to sub-clause (e) they say as follows:

(e) 'the rent lawfully payable at the time the Record is being prepared and whether the ryot is entitled to the benefit of proviso (a) to clause (i) of section 30.'

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I am relying upon this provision. The officer who had to settle the rents was directed to go into the question whether the ryot was entitled to the benefit of proviso (a) to clause (i) of section 30. I have already referred to that proviso more than once and I think it will bear repetition and I shall read it once more—

Section 30 'Where for any land in his holding a ryot pays a money rent the landholder may apply to the Collector to enhance the rent on one or more of the following grounds and no others—

(i) that during the currency of the existing rent there has been a rise in the average local prices of staple food-crops in the taluk or samindari division:

(a) Provided that if the rent be permanently payable at a fixed rate or rates it shall not be liable to be enhanced under this clause on the ground of a rise in prices.'

This is what I am relying upon. This section says to the Settlement Officer, 'Do not touch these sorts of land in respect of which rents had been fixed permanently even though there may be a rise in prices.' He will have to put down his pen and should not proceed with the settlement of rent on that ground. I do not know how it has been contended by hon. Members that the Estates Land Act created a right in their favour and that these recommendations proposed to take them away. Enhancement is contemplated on four grounds. Take this one ground in the first place. It is conclusive. There is to be no enhancement according to the Patta Regulation. There can be none from the fact that it had been declared unalterable and an enhancement had been precluded on any ground whatever. So far as this one item is concerned, I am submitting to the hon. Members of this House, through you, Sir, that they should not make any mistake with regard to this matter, namely, that the Estates Land Act created a right in their favour and that that right is sought to be taken away now. Everybody has been arguing without knowing the provisions of the Act and without looking into the matters placed before them for consideration. They have only glanced through the records at random and offered their observations. Is it not our right to claim something more? I will repeat once more that it was to put a stop to such vagaries that it was permanently and unalterably settled in order to protect the interests of the ryots. With regard to one item I have placed before the House enough material to show that under the legislation of 1908 no rights of the ryot had been taken away; with regard to this one matter, it has been conclusively laid down, so far as prices are concerned, and it cannot be questioned.

"I shall take up one other item. 'Contract' was introduced in section 11 of the Rent Recovery Act. I point out to hon. Members of the House the first clause of section 11 under which enhancement could be made not as against permanently settled estates but against the Government ryots and under-tenants of the Government ryots. What happened and what was the fate of this

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contract clause introduced in the Act of 1865? Was that recognized in the Estates Land Act? The contract clause was dropped. Until 1865, there was no enhancement, generally speaking. The landholders were making attempts whenever they had an opportunity to drag the ryot to the courts and over-reach him. This contract clause, clause (i) of section 11 of the Rent Recovery Act, which gave so much trouble to the courts in the matter of interpretation, was dropped. There are two sections—section 135 and section 136 of the Estates Land Act. Section 135 runs as follows:

'A landholder shall not be entitled to take, receive or exact from his ryots, as such, under any name or under any pretence anything in addition to the rent lawfully payable. All stipulations and reservations for such additional payment shall be void.'

This is without reference to the contract mentioned in clause (i) of section 11 of the Rent Recovery Act of 1865. This section declares that all declarations, reservations and stipulations under which the landlords could come and say, 'You have executed so many muchilikas in my favour agreeing to pay enhanced rent for this or that reason,' were void. That was how all this litigation was started and people were put to trouble. This is merely a repetition of section 7 of the Patta Regulation which laid down that there ought to be no exactions, no claims and no enhancements under any pretence whatever. That is reproduced in a different language in section 135. Take section 136. Penalty is provided there, though not in the manner in which it is provided in the Patta Regulation. Therefore it will be clearly seen that the rights created in favour of the ryots have not been taken away under this Act; but on the other hand an attempt was made to give something to him of the old rights, if not in express terms, in every respect in that manner. So contract had gone under the Estates Land Act.

(At this stage the Speaker resumed the Chair.)

"Then what remained? There remained three clauses. For improvements made by the landholder, he shall be entitled to enhanced rents; that is the second clause of section 30. Then there is the third clause which provides for improvements made by Government not with special reference to the zamindar or his area, but if improvements had been made, the landholder may be entitled to enhance rent. These two clauses were introduced in the Rent Recovery Act of 1865. I already submitted, Sir, that so far as the rise in prices and the consequent enhancement of rent are concerned, it is found nowhere in the legislation of 1865. There was no provision for that. How did these two provisions come in? I am requesting hon. Members to consider how this enhancement clause developed from 1802 until 1908. In the Bill of 1865—I am now dealing with the right claimed by the landholder to

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enhance rent on the ground that the Government made improvements or that he himself made improvements. We may just look into the Bill and not the Act providing for that. In the Bill there was a provision for enhanced rent only on the ground that the landholder made improvements. Then two years later the Bill became an Act, and the provision with regard to Government improvements were also added. So I am submitting that only improvements made by the landholder were thought of at the time the Bill was introduced. Two years later Government improvements were also introduced. I already submitted, Sir, the other day that these two clauses relating to enhancement of rent on the ground of improvements made by the landholder and on the ground of improvements made by Government, are not proper, are not legal, are not just; because it was already agreed that the Government are to carry on, in consideration of the tax that is collected on land from the ryot those works of public utility for the benefit of the people and that the liability of the Government was assigned away by the proprietorship that was created in favour of the landholder. Similarly, in the case of the landholder, he had the interest in land as the agency for collecting money, subject to the condition, which the Government was obliged to carry out, that a portion of the money paid by the ryots should be utilized for irrigation and other purposes. In all seriousness, it was argued, I believe, by Mr. Krishna Rao, 'Where is the law; does it exist anywhere; is it stated anywhere? In fact all the decisions from the very beginning are only in our favour. Now you are seeking to take away our rights.' I submit, it is the duty of the landholder to repair all the irrigation sources, old ones, and also to construct new ones; and it has been so held even by the Privy Council, about which hon. Members were talking vaguely. This question was considered in the case that went up to the Privy Council between the Zamindar of Karvetnagar and the Madras Railway Company. I will read that passage which will enable hon. Members who have been interpreting this point the other way, to know whether the right of the ryot and the obligation of the landholder is not recognized by the Privy Council itself."

SRI G. KRISHNA RAO:—"On a point of personal explanation, Sir. I may say that I never said that the landholder has no business to improve the irrigation works in the estate."

* **THE HON. SRI T. PRAKASAM:**—"I accept, Sir, the hon. Member's explanation. (Laughter.) But, Sir, it has been contended: 'Where is the obligation to construct new works on the part of the landholder?' I shall read from the Privy Council's judgment:

'The tanks are ancient and formed part of what may be termed A NATIONAL SYSTEM OF IRRIGATION, recognized by Hindu and Mahomedan law, by regulations of the East India Company, and by experience older than history as

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essential to the welfare, and, indeed, to the existence of a large portion of the population of INDIA. The public duty of maintaining existing tanks and of constructing new ones in many places, was originally undertaken by the Government of India, and upon the settlement of the country has, in many instances devolved on zamindars, of whom the Defendant is one. The zamindars have no power to do away with these tanks, in the maintenance of which large numbers of people are interested, but are charged under Indian Law, by reason of their tenure, with the duty of preserving and repairing them. From this statement of facts referred to in the judgment of the High Court, and vouched by history and common knowledge, it becomes apparent that Defendant in this case is in a very different position from the Defendants in *Fletcher v. Rylands*."

"*Fletcher v. Rylands* is a leading case in the Law of Torts. And this case was quoted here in the law courts for adoption, and that was the way in which the law was misapplied by those who did not know the nature of the law of the land; for which the hon. Member—I see he is absent—was very angry. In this passage everything has been put in one single paragraph. It has been denied by hon. Members simply to make a false statement that the highest court has declared the rights in their favour. I have quoted the Privy Council judgment; you can see the ruling yourself; and you can see whether you are not bound to construct new works and repair old ones. On this whole question, this one decision of the Privy Council will and must convince all zamindars of their obligations. Why were those clauses in section 11 of the Rent Recovery Act put in that if the landholder makes some improvements he is entitled to enhance rent? What for is the money paid to him as land revenue? It is paid to him so that he can maintain himself, lead an honest life himself and also enable those ryots entrusted to his care to lead an honest life. You cannot ignore all these things. So with regard to those two clauses, clauses (ii) and (iii), that is, improvements effected by the landholder or improvements effected by the Government, no right exists in the landholder to claim any enhancement of rent. If such enhancement had been made through law courts, where this position was not understood, it was a mistake. It was done forgetting or ignoring all these things said by the highest tribunal of the land. Perhaps it may be asked, 'Is it not equitable that we should have some enhancement in rent for something spent by us?' But I say: 'Are you spending your money? You are spending the money that is taken from the ryot; you are spending the money assigned by the Government; you are not spending any money of your own.' I ask, can Government say a similar thing? Government have embarked on big projects. They have carried out the Mettur Project. They have built the anicuts in the Kistna and Godavari deltas, and can they say the ryots should pay enhanced rents on this score? Government will never say that, and similarly those who have taken the liability of Government should behave so. So I think I have shown conclusively to those hon. Members who were opposing this contention by this rule laid down by the Privy Council that enhancement on the ground of

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those two or three clauses has no place anywhere. Has anything been said by the opposite side? Nothing.

"Then let us go to the last clause of enhancement on the ground of fluvial action. This is another thing which has been tried to be exploited by the landholder. This is a thing which has descended from Heaven; it is the action of Nature; it is the gift of God, so to say; it does not belong to the zamindar or the Government. But yet these people come forward and say that even that belongs to them, and therefore the ryots must pay a portion of the yield to them. Even Shylock was better. (Loud laughter.) Fluvial clause! Where was it? Was it in the Patta Regulation? It was not in the Patta Regulation, because there rent was unalterable. Was it in the Rent Recovery Act of 1865? No, it was not there. It came in only in 1908, when the Estates Land Act was passed, which, you say, should not be repealed, because it has provided for all possible troubles. (Laughter.) So this fluvial action business goes for nothing. There is no basis for it at all. Even the hon. Member, Mr. Narayanaswami Nayudu, who dissented on very small matters—I see he is not here—has himself said that enhancement on any of these clauses should go.

"Sir, I have submitted to hon. Members who are charged with the onerous responsibility of deciding this matter, the true position. It is no good having this committee or that committee consisting of eminent gentlemen, or High Court Judges or Privy Council Judges (laughter) or moving resolutions postponing the date of giving effect to the recommendations of the Report. Take all these things, get them examined by your lawyers who have been helping you throughout in this matter (laughter from Government Benches) and you can get their reply with regard to this matter. I know what their reply will be. There will be no reply, (laughter) because it will be against you.

7 p.m. "I have shown that so far as the enactments are concerned the rights created in favour of the ryots under the Permanent Settlement Regulations XXV and XXX of 1802 have not been disturbed in any way; the rights exist there; the rights belong to them, nobody has taken them away; it is absolutely wrong for any one to come and say here that the rights vested in them had been taken away.

"Then, I will turn, Sir, to the other kind of legislation. There are two kinds of legislation, Acts passed by the Legislature in these Assemblies, and decisions given by Judges. So much has been said by member after member—may be they have not known the existence of these judgments, at least most of them who are not lawyers do not know. Take these decisions now. Take the decisions referred to in the Memorandum of the Landholders'

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Association. Let each one of the members examine all these and let him point out one decision in which it is declared that the landholder has been entitled to these enhancements in the manner in which he has been doing it and which he proposes to do hereafter also.

"The first decision I already submitted was that famous or notorious case, Chokkalingam Pillai's case—there is an hon. Member Mr. Chokkalingam Pillai here in this House, he need not misunderstand me (laughter)—I submit, Sir, there was no reply to that. Chokkalingam Pillai's case was not a case between a zamindar and a ryot, neither was it between a landlord or a proprietor and a ryot. It was a case between a Government ryot and his sub-tenants, because he happened to be included under clause (II) of section 1 of the Rent Recovery Act as a landlord. How can that case be quoted? And he held . . ."

SRI G. KRISHNA RAO:—"I think he was an inamdar, Sir, and not a ryotwari pattadar. He held mutt lands."

* THE HON. SRI T. PRAKASAM:—"The hon. Member corrects me. That makes no difference. I accept the correction and put it to him again, Sir. It was not a case in which a zamindar and a tenant came into conflict.

"The second case, the case of 1871, Fakir Muhammad's case, was a case in which the High Court was sitting in a Full Bench; they were not able to come to a correct conclusion following Chokkalingam Pillai's case. They gave a decision in favour of the landholders.

"It is this period that was referred to by the Hon. Mr. Forbes and by everybody else as the period during which a cloud grew over the right of the ryot in the estates. Fakir Muhammad's case was reported in 1 Madras, 205. This case was considered in the I.L.R. 5 Madras, 163. In that case, Justice Muthuswami Ayyar and Justice Turner sat and they overruled it questioning the correctness. After 5 Madras, Sir, in 9 Madras, 175, there is one case and there is another case in page 285. I shall read the portion affecting this matter from Part I of the report; it is to enable hon. Members to understand how the law has been declared by the Judicial Courts from that date onwards. (Page 178 of Part I and page 180.)

'As observed by Turner, C.J., and Muthuswami Ayyar, J., in *Sivasubrahmanya v. The Secretary of State for India*, I.L.R. 9, Madras 285, Manu and other Hindu writers have rested "private property on occupation as owner".'

It has been urged, Sir, that all decisions have been in their favour with regard to the right to the soil and the right to the

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rentals. Go back to 9 Madras, nearly half a century back; there in that case, they said, 'Manu and other Hindu writers have rested "private property on occupation as owner."' This is the first authority I am quoting from the judicial decisions, to convince hon. Members on the other side and show that the ownership of the soil also has been declared in favour of the ryots even by the law courts. And in referring to another case, Secretary of State v. Vira Rajan, 9 Madras, 175, the same learned Judges pointed out, 'According to what may be termed the Hindu Common Law a right to the possession of the land is acquired by the first person who makes a beneficial use of the soil.' What reply have the hon. Members on the other side who were saying vehemently that the right to the soil had been declared to be in the landholders? After 9 Madras, the matter came up in 13 Madras, page 60. The question there, was, 'In whose favour should the presumption be, with regard to occupancy right or the right to evict a man who was in possession of the land?' In 13 Madras, there was an English Judge along with Mr. Muthuswami Ayyar in that case. At page 179 of Part I of the Report—I am reading an extract from the Report. Very often Bengal was referred to; I am requesting hon. Members' attention to this, to determine the difference between Bengal and Madras Presidency, so far as enactments are concerned and so far as decisions are concerned—we find the following:

'According to the course of decisions, therefore, in this Presidency, the landlord may determine the tenancy if there is a contract, express or implied, by exercising his will in accordance with his obligations; that there is no presumption in favour of a tenancy-at-will; that an occupancy right may exist by custom; that a pattadar or ryot in a mita is entitled to continue in possession so long as he regularly pays rent and has an assignable interest, and that by reason of special circumstances in evidence the onus of proof may be shifted, even in regard to a permanent occupancy right, from the tenant to the landlord.

'After discussing the decisions of Calcutta and also of the Privy Council, Justice Muthuswami Ayyar, on a review of all the previous cases, held that there was no presumption that every zamindari ryot was a tenant of the field and it would be monstrous to hold that every tenant in a zamindari to be a tenant-at-will, and further held that the zamindar was not entitled to evict a ryot until he proves that the right of the tenant was not one of permanent occupancy.'

"From 13 Madras, we come to 16 Madras, page 271. Some of the hon. Members in the Opposition were shocked to hear that the zamindar is only an assignee of land revenue; that he is only a revenue collector. In this case, in 16 Madras, 271, the learned Judges held that he was an assignee of land revenue. This is extracted from the decision. It is again on page 179 of Part I—

'Mr. Justice Muthuswami Ayyar and Mr. Justice Wilkinson held in this case there was proof that the duration of the holding was at least 120 years and that in such cases it was not unreasonable to hold that the onus of showing that the tenancy commenced under the plaintiff or his ancestors rested on the zamindar and that until he showed it, the zamindar may fairly be presumed to have been

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the assignee of the Government revenue and the tenant made liable to pay a fair rent and entitled to continue in that possession as long as he regularly paid it (the rent).'

"A zamindar put the ryot in court even after 120 years of possession and as a result contended that he was liable to be evicted on the ground that the ownership was in him and that he (the ryot) was only a tenant-at-will. That was the decision which they got from the High Court of Madras, in 16, Madras. From 16 Madras, the next case relating to this in the whole range of Case Law is 20 Madras, page 299, in which Sir Subrahmanya Ayyar recorded his verdict after examining all the authorities, not merely the authorities and decisions of the Judges who preceded him but going to very bottom of it, the Common Law, and all those men who were competent to speak on the matter, and that is the case in 20 Madras; it is found at page 180 of Part I of the Report—

'A ryot cultivating a land in a permanently settled estate is *prima facie* not a mere tenant from year to year but a owner of the kudivaram right in the land he cultivates.'

That is, part of the decision, the important part of which is given here at pages 180 and 181. I am reading from the middle of the page. They refer not to the Board's Proceedings which I quoted, 7743 of 1864, but to the Board's Proceedings of 1818, 7-15 that is 16 years after the Permanent Settlement. This High Court quoted that proceeding. This is the portion quoted from the Board's Proceedings—

'And in the language of the Board of Revenue, which, long after the Permanent Settlement Regulations were passed, investigated and reported upon the nature of the right of the ryots in the various parts of the Presidency.

'Whether rendered in service, in money or in kind, and whether paid to Rajas, jaghirdars, zamindars, poligars, muttadars, shrotriyamdars, insamdars or to Government officers, such as tahsildars, amildars, amins or tanadars, the payments which have always been made, are universally deemed the dues of the Government. (See the Proceedings of the Board of Revenue, dated 5th January 1818, quoted in the note at page 223 of Diwan Bahadur Srinivasaraghava Ayyangar's 40 years Progress in the Madras Presidency). See also paragraphs 75 to 78 of the exhaustive observations of the Board as to the relative rights of zamindars and ryots in the Board's Proceedings of the 2nd December 1864 appended to the second report of the Select Committee on the Rent Recovery Bill, 1864, V, Madras Revenue Register, at page 153. Therefore, to treat such a payment by cultivators to zamindars as 'rent' in the strict sense of the term and to imply therefrom the relation of landlord and tenant so as to let in the presumption of law that a tenancy in general is one from year to year, would be to introduce a mischievous fiction destructive of the rights of great numbers of the cultivating classes in this province who have held possession of their lands for generations and generations. In support of the view that there is no substantial analogy between an English tenant and an Indian ryot it is enough to cite the high authority of Sir Thomas Munro. Writing in 1824, he observes: "the ryot is certainly not like the landlord of England, but neither is he like the English tenant." (Arbuthnot's "Selections from the Minutes of Sir T. Munro," vol I, page 234. And why is this so? It is for the simple reason that the rights of ryots came into existence mostly, not under any letting by the Government of the day or its assignees, the zamindars, etc., but independently of them. According to the best native authorities, such rights were generally acquired by cultivators entering upon land, improving it, and making it productive.'

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Then he referred to the previous case, Turner, C.J., and Muthuswami Ayyar J:—

'Hence also the view that the holder of the Kudivaram right far from being a tenant of the holder of the melvaram right, is a co-owner with him. Sir Thomas Munro puts this very clearly. He says: "a ryot divides with Government all the rights of the land. Whatever is not reserved by Government belongs to him. He is not a tenant at will, or for a term of years. He is not removable, because another offers more".'

"What higher authority can I place in the hands of those hon. Members who have been opposing this contention? They have been urging, 'You have been quoting instructions to Collectors; you have been quoting ancient documents; you have been quoting from State documents; you have been quoting from the Board of Revenue; but you have not quoted what the Courts have decided.' I am now placing before the hon. Members of this House what the Courts have been deciding and what the Courts have laid down. How can you say now that the landholder is the owner of the soil? These are the authorities given by the highest court here, in this Presidency; and now in the Memorandum of the Landholders, Sir, it is stated that the decision of Sir Subrahmanya Ayyar is wrong and that there is some other decision somewhere which has declared our rights. I am taking the hon. Members to the other decisions. There are very many. I am compelled to do this because the two main points that have been urged knowingly or unknowingly have been these: 'Rights vested in us under enactments have been taken away; rights vested in us under the Estates Land Act have been taken away; rights vested in us under the Rent Recovery Act have been taken away; rights given to us under the judicial decisions have been taken away.' That is why I am craving the indulgence of the hon. Members of the House and yourself, Sir, with regard to this matter. Otherwise I should not have taken any time at all.

"Then, Sir, the next case is 23 Madras, page 318. I shall not be detaining the hon. Members of the House by taking them through the passages, as I have done until now. I am giving the references so that they may go and satisfy themselves in consultation with their lawyers whether there is any flaw in the position taken by this Committee. I am giving the gist of 23 Madras, 318. The Judges held that there is no presumption in favour of the zamindar, but on the other hand it is in favour of the ryots. After 23 Madras what is the authority? I am requesting the attention of the hon. Members of the House to a Privy Council case again, 45 Madras, page 586. This is a decision given under the Estates Land Act. The matter went up to the Judicial Committee. Section 4 of the Estates Land Act was interpreted and construed by the Judges of the Privy Council. They held that under section 4 of the Estates Land Act the landholder's right is only to collect the money, that the landholder is not entitled

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zen to possession of ryoti-land—leave aside the right to the soil. I would request the attention of hon. Members of the House to this case because it is a very important decision of the Privy Council (page 182 of Part I, second paragraph). This is a case of inam and not estate generally, but all the law has been interpreted there, because the position occupied by the ryots is just the same as in a zamindar's control.

'It formed part of a permanently settled estate; its tenants were in possession and occupation since 1829 or earlier; they had dealt with the lands as occupancy ryots, partitioning, transferring and mortgaging their holdings with the acquiescence of the inamdar; and that they had received from Government compensation for part of their holdings taken for public purposes. The trial court and two appellate courts had found that the inamdar did not possess the kudivaram right in the lands. Their Lordships of the Privy Council held that the tenant had established a right of occupancy and could not be ejected and also that the rights of the parties have to be determined upon the facts apart from any presumption as to the nature of their right granted in 1743.'

What must be noted by the hon. Members, because there were cases which were disposed of on the rules of presumption. This case arose out of the Madras Estates Land Act I of 1908. This is what the learned Judge said with reference to the rights:

'In the present case the grant itself does not convey in express terms the kudivaram to the grantee. Nor does the term inam, an Arabic word meaning "a ward" give any indication of the intention of the donor, even if he had the right to bestow it on the donee. *Prima facie* a zamindar or poligar is a rent-receiver; or, to use the language of section 4 of Act I of 1908, he has the right to collect the rent from his tenants. *Prima facie*, his right of direct possession of the lands is confined to his "private lands" and the old waste land; it does not extend to "ryoti land".'

What is the definition of the Privy Council. In the next paragraph:

'The place of the cultivating ryots in the agricultural economy of Southern India is thus described in a Proceeding of the Board of Revenue of Fort George (Madras), dated 5th January 1818:

'The universally distinguishing character, as well as the chief privilege of this class of people, is their exclusive right to the hereditary possession and usufruct of the soil so long as they render a certain portion of the produce of the land, in kind or money, as public revenue; and whether rendered in service, in money, or in kind, and whether paid to Rajas, jaghirdars, zamindars, poligars, ootahdars, shrotriyamdars, inamdars or Government officers, such as tahsildars, mirdars, amins, or tanadars, the payments which have always been made by the ryot are universally termed and considered the dues of the Government (i.e., the revenue of the Government).'

I am quoting from the highest authorities who laid down the rules. Lower down in the judgment of the learned Judges, referring to the Estates Land Act, Sir, which as I mentioned a little while ago was a declaratory Act, was a processual measure, this is what is stated by the Judges of the Privy Council:

'In other respects, generally speaking, it declared and gave statutory recognition to existing rights and status. One important feature of the Act is its Kirby of note; it throws into relief the component parts which form

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immemorial times, go to constitute a village; first, the lands under the direct cultivation of the proprietor (called by various names); second, lands occupied by tenants or ryots; and third, old waste lands over which by custom the landlord possessed certain specific rights now crystallized in the statute.'

Therefore every one of the contentions raised by the landholders has been considered by the Privy Council. In this case, 45 Madras, they have referred to the very authorities from which my hon. Friends, Mr. Bower and others, quoted and said, 'Justice Subrahmanya Ayyar has said so and so, and nobody has stated hitherto that the landlord is only a rent collector.' In the same way some other hon. Members expressed themselves in that manner. I have no quarrel with them. I do not expect them to go into these matters in the manner in which the learned Judges of the Privy Council have done or this Estates Land Act Committee has done. I am only trying to explain to hon. Members so that those who have made such strong observations opposing these fundamental decisions of the Privy Council might consider this matter with care and discover for themselves whether they have made a mistake in saying so. I have no quarrel with the words used by Mr. Langley when he said 'begotten in envy, conceived in hatred and delivered in malice.' I like them. I am glad the hon. Mr. Langley has expressed himself in those words. They are on record here, so that he may examine the position taken up by him and also examine the statement made by him in that long speech which he delivered the other day and judge for himself whether he was right in any single respect. I am placing these various facts and quoting from various decisions with a view to convince hon. Members like Mr. Langley that the position taken up by them was wrong and that the position taken up by us is correct.

"Section IV of the Estates Land Act is a very short section. It reads: 'Subject to the provisions of this Act the landholder is entitled to collect rent in respect of all ryoti land in the occupation of a ryot.' The whole thing is put in those three lines. If I have been raising this contention and putting interpretations of my own, so many commentaries may be forthcoming. But this section was conceived by that high tribunal, the Privy Council, and they have interpreted in the manner in which they have done. They said that under this section the zamindar has got only to collect money from the ryots so far as the estate lands were concerned, and the proprietary right he had got was with reference to his own home-farm lands or private lands, and that he was not entitled to the possession of the ryoti lands. If the landholder in this country is in the position of the English landlord, and the tenant is in the position of an English tenant, the Privy Council would not have interpreted the section in the manner in which they have done.

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"I wish to show some other authorities to convince hon. Members like Messrs. Langley and Bower and other gentlemen who did not believe in the assertion that the zamindar is only a rent collector. Take the Joint Parliamentary Committee Report and you will find on page 218 of that report the following:—

'We have considered whether similar provision should be made to protect the rights of the zamindars and others who are the successors in interest of those in whose favour the Permanent Settlement of Bengal, Bihar and Orissa and parts of the United Provinces and Madras was made at the end of the eighteenth century. Briefly the effect of this Settlement was to give a proprietary right in land to the class described as zamindars on the understanding that they collected and paid to the Government, the revenue assessed on that land which was fixed at rates declared at the time to be intended to stand unaltered in perpetuity.'

"What better authority, than the latest one, of the Joint Parliamentary Committee, can I quote before hon. Members of this House? They have said that they are collectors of revenue and they have also stated that they were called upon to collect revenue which was fixed unalterably. The whole case is placed in the hands of those hon. Members who had doubts. It is my anxiety, Sir, that those who had doubts or who were mistaken in understanding these things should look into them and now revise their opinions and come to a correct conclusion. The Joint Parliamentary Committee that did not wish to talk in an irresponsible manner examined this position, and taking the revenue history of this Presidency into consideration, has laid down that the understanding between the Government and the zamindars at the time of the Permanent Settlement was that the latter should collect the revenue which they were called upon to collect and which was fixed unalterably. Those are the words used by that great authority.

"There are some other cases of the Privy Council referred to in the written memoranda of the landholders. First I take the case in 40 Madras (page 886) known as the Uralam Case. In that case the ryots were not parties. The contest was between the Government and the zamindars. In the course of the judgment reported in 40 Madras (page 886), the learned Judges referred to the clauses in the sanad issued in favour of the zamindars and examined the conditions under which it was granted. They referred to the ryots' interests even though they were not parties to the suit and held that subject to the condition of protecting the interests of the tenants contained in the sanad, the zamindar was authorized to hold the zamindari in perpetuity. In the sanad containing that agreement there is another clause which states that the zamindar undertook to be loyal to his ryots and to help them to improve the extent of cultivation. That was the undertaking. All hon. Members who opposed this position said: 'What was there at the time of the Permanent Settlement to show that there was an understanding between the Government

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and the zamindar, that the zamindar was only the tax-collector, that the ryot was the owner of the soil and that the former was bound to protect the rights and interests of the tenants? Even in a case where the ryots were not parties to the suit, when a contest was going on, the Privy Council has said that the land is in possession of the ryots and it is their rights that should be protected and subject to that condition that the sanad was given to the landholder. That is what the Privy Council has stated in 40 Madras.

"Again I come to 41 Madras, page 1012. This is a case which is relied upon by the Landholders' Association. This is a case relating to a certain inam. The whole of this case was disposed of on the ground of presumption. That case was referred to in the later Privy Council case referred to in 45 Madras. There they explained the whole thing. When the Privy Council laid down those dicta that I referred to in the above paragraph, they expressly referred to the case which I am just quoting.

"The next case that I wish to refer to is 43 Madras. This case was also referred to in 45 Madras.

"Sir, as I am afraid that I am keeping the House too long; I should content myself by referring, so far as case law is concerned, to a few more cases where the court decided them on the ground of presumption. The presumption raised in the Estates Land Act is a wrong presumption. The Estates Land Act Committee, whose Report is now under discussion, took this point into their very careful consideration and found that instead of allowing enhancements on the ground of presumption on the four grounds mentioned in section 30 of the Estates Land Act, they have introduced other clauses of presumption also. For the first time they introduced sections 40-41 relating to commutations. It was said there in the proviso that whenever rents were enhanced under those two sections, they should not be treated as enhancement of rents. Sir, this Legislature is entitled to examine that provision and say whether that was not a fifth kind of presumption in favour of the landholder for enhancing the rent. We have said clearly in our Report that this is a fifth kind of presumption for enhancement, on the ground of commutation. You do not find any words to this effect in the Rent Recovery Act. And now when for the first time the commutation sections were introduced in the Estates Land Act, there was absolutely no justification for the authorities at that time, to introduce a presumption clause in favour of the zamindars under those two sections relating to commutation, because that presumption was settled once for all at the time of the Permanent Settlement.

"There is another kind of enhancement that has been sanctioned under the Estates Land Act on the ground of presumption. Section 28 of the Estates Land Act says that the prevailing rent

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d be presumed to be a fair and equitable rent. They have led such a difficult question by those words, in one section. The whole question to be determined is whether the landholder is led to enhancements under sections dealing with enhancement. When section 30 provides that rents shall not be enhanced on the four grounds mentioned in that section, this section 28 says: 'Let the presumption be that the prevailing rent for the year under question—whether it is January 1939 for the purpose of argument or whatever year for which the rate is to be determined—be presumed to be a fair and equitable rent.' I say this is a monstrous section that was put in the Estates Land Act. Can there be a presumption like that and in that form?

Sir, I would like to refer to another case, a very interesting one which arose in the Kannivadi zamin. The rate of rent that prevailed there was what was called the original settlement

Later on when the suit was filed by the tenant for decreasing rent, the Judge one Mr. Peters, fixed the rent by lowering it to a certain figure, as the original rate was considered to be prohibitive. Later on, when the amended Estates Land Act was passed, the zamindar was clever enough to revive the old rates by entering into another agreement with the ryots and calling that rent as 7-45 praji rent. That is to say, both minds agreeing, a rate was arrived at called the manoraji rate. This rate was fixed after the Estates Land Act came into force. This contract rate was lower than the one fixed by Mr. Peters. The matter came before the High Court and the other side contended that some of the sections should be looked into. A decision was given under section 28 of the Estates Land Act that the rent that was then prevailing was a fair and equitable rent. We have dealt with this question in the Report and shown that the learned Judges were absolutely wrong.

"Then there is the other case referred to by the Landholders' Association. I do not want to detain the House by going in detail into all these things. But all of them turned on the question of presumption. For these reasons, therefore, I am saying that the Estates Land Act which provided a most cumbersome procedure and disabled the ryot from obtaining any relief from the collector with regard to the repair of irrigation sources—for there were so many obstacles placed in his way—must go and in place of a simple provision must be made. One learned Member is at fault with the language of the draft Bill. The draft Bill put out only to show the recommendations of the Committee. Now something of conveyancing and other things. But we are not all experts in drafting. One hon. Member asked: 'Why did not you consult the Advocate-General?' A parliamentary committee going to the Advocate-General and consulting him before drafting their report! The Advocate-General here and

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the Attorney-General in England are not experts in drafting and conveyancing. There is a special class of people who are experts in drafting Bills and who have experience in these matters.

“ I shall close my remarks after referring to one or two other matters. Referring to the evidence that was recorded by the Committee, the hon. Member Mr. Langley quoted Macaulay. A passage was given to all the Members of the House and the public so that they might read it and understand Asiatic mendacity which was referred to by Macaulay. Asiatic mendacity was referred to to show that before the Congress Government came into office, there were so many people who were opposed to the Congress, but that as soon as they come into office the same people rushed to them to offer evidence here and therefore their evidence was not worth believing. It is to convey that meaning that the hon. Member has referred to that passage. ‘ Asiatic mendacity ! ’ Macaulay wrote it. When did Macaulay write it? And that is applied to-day in this age, when even these wretched men who live in the villages and whom perhaps you will not see except within certain zones in places where the hon. Member is working, even these wretched men have shown to the world, though they are clad in rags and live in little huts in which they will not be able to remain when the rain comes, that there is a soul in them and that they can follow the lead of a man who is supposed to be a mendicant and show what their soul strength is capable of and how they can wrench power out of unwilling British hands and how they can constitute this Legislature and how they can constitute this Government to-day. (Hear, hear.) Referring to the evidence given by such people when they are obliged to state what they have got to say in order to save their bodies, the hon. Member Mr. Langley had the courtesy and the kindness to quote a passage from Macaulay referring to Asiatic mendacity. Asiatic mendacity there was. It was Asiatic mendacity that was responsible for those who are ruling over the people here. (Hear, hear.) The people were reduced to such a condition that they were not able to think for themselves, to plead for themselves and to place their case before the authorities. Having reduced them to such a condition, Macaulay’s passage is now quoted to show Asiatic mendacity and to ask this House and the people outside to discard the evidence of these unfortunate men who came forward to state their grievances. I may tell the hon. Member, Sir, an old story of Great Britain. I have lived in that country, I have studied in that country and I have learnt from them. I will give them an instance about British mendacity of ancient days. (Laughter.) There was a very interesting case, Sir. That was the time when Lord Coke and eleven others were judges of the High Court of London. In those days there was no democracy; there was no Parliament functioning and the King was all supreme. Anything which these

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ges had to do, they should do according to the command that came from the King. There was a case under canon law in which the parties were the Government on the one hand and the clergy on the other. The King sent an order to the judges that they should not dispose of that case until they heard from His Majesty. They had taken the oath to do justice between man and man without caring whether it is the King, His Majesty’s Government or an ordinary man from the slums. Therefore they had a feeling whether they would be doing the just thing or having taken the oath if they obeyed the command of His Majesty. Accordingly they did not appear. Then came the summons or the warrant—I do not remember exactly. All the twelve judges were summoned to appear before His Majesty the King-Emperor. Poor souls, all the twelve judges had to walk to His Majesty the King-Emperor. As soon as they approached the King-Emperor eleven judges prostrated and prayed for mercy and asked to be excused for having disobeyed the command of His Majesty. The twelfth judge Lord Coke stood erect and said, ‘ I shall not do that; I was put on oath and I must do justice between man and man. It does not matter whether it is Your Majesty or anybody else.’ There were eleven men, the judges of the highest court in England who prostrated like that. Asiatic mendacity was in that condition! (Hear, hear.) To-day in India even the wretches who are living in hovels which are worse than those described by the Circuit Committee of 1802, have discovered that they have got a soul, that they have got a heart and that they have got self-respect and that they could come forward and give their evidence. With regard to these people, the hon. Member says that they were purchased in the manner described by Macaulay. I have only to point out that human nature is the same and whether it is here or in Great Britain it makes no difference.

“ There is one other point, Sir, the ‘ bee in the bonnet ’ or ‘ King Charles’ head ’ as it has been called. What is this ‘ bee in the bonnet ? ’ The Committee has referred to the currency and exchange policy of Great Britain and written a chapter on it. The hon. Member here who said that he was also a little expert on the matter (laughter) said that he was not able to see the relevancy between the currency policy and the subject of this Report. Referring to land taxation, we have clearly pointed out what effect bearing this currency policy has on the present subject. If it is only a question of taxation on land which the ryot is called on to pay, one can understand it, Sir. He may complain and to get it reduced. But there is another agency that levies tax without the ryot knowing it and without his seeing it—an invisible taxation as it were. This is done in the name of the exchange and currency policy of Great Britain. From the date

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of the Permanent Settlement until now, although I have praised those honest Englishmen who were prepared to do some good to this country and its poor people, I do not like to spare those Englishmen who have adopted this very refined method of the exchange and currency policy. What is this exchange and currency policy, Sir? When the English came here and established their Government what was the condition here? Were there no mints; were there no coins? During the Muhammadan period and the Hindu period there were mints and there were coins. All the things were there. After the British established their rule here what did they do? The East India Company adopted the star pagodas and kept their accounts in star pagodas. Until 1818 their accounts were maintained in star pagodas. By that time this currency was beginning to establish itself. But they said: 'We shall hereafter open our accounts in rupees.' What for? Gold coin was here and could be sent from here to Great Britain for all their purposes and could have served them very well. But no; they said that the star pagodas should go and that their accounts should be kept in rupees.

8 p.m.

The question has a long story and history behind it. It need not be a bee in my bonnet. I shall confine myself to the points that affect the enhancement of land-tax; the unfortunate ryots of this land were affected by the currency policy of Great Britain. In 1818 or about that time, the ratio was increased from 1s. 4d. to 2s. It is not to-day or yesterday that the representatives of the people in the Central Assembly are asking that the ratio should be reduced to 1s. 4d.; that was the rate that was prevailing in the days of the Muhammadan rule and during the Hindu rule; it was altered with one stroke of the pen. What is the effect of that? The pound was getting Rs. 15 to the cultivator and the agriculturists were able to sell their produce to Great Britain and other places and get some profit. What is the effect of the increase of the ratio from 1s. 4d. to 2s.? The result is that, instead of getting Rs. 15 the unfortunate agriculturist gets only Rs. 10; look at the difference; what is the difference that was involved in the adjustment of accounts? All these points had been discussed by some of us in the Central Assembly when Sir Basil Blackett and other Finance Members were there. For mere adjustment of accounts, we had to lose a sum of Rs. 34 crores; I do not exactly remember the figure; such a huge figure was the difference. By the change in this ratio, the unfortunate ryot is able to get only Rs. 10 instead of Rs. 15 which he was getting before; this high rate continued for some time; afterwards it was restored to its normal level. By the time we reached the year 1920, one evening we found in the Madras City market, that the ratio had been increased from 1s. 4d. to 2s.; all those who entered into contracts with Great Britain and other countries, merchants,

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the biggest Muhammadans of this place became next morning absolute beggars as it were, not able to get even one cup of coffee. (A voice: 'Tea.') It does not matter whether it is coffee or tea. They became bankrupts so to say. This is so far as trade and business are concerned.

"With regard to the agriculturist also, he was reduced to the position of receiving only Rs. 10 instead of Rs. 15. How did it help Great Britain? They desired to have a market in India; they purchased raw materials here; they sent manufactured goods for being bought here; thus they made enormous profits. In olden days there was trade flourishing in this country; pieces of cloth made by Indians were exported to other countries; export trade was in their hands; they were able to send goods to various places; they were able to export woven cloth of the finest quality to oversea countries and to bring back gold to this country. What is it that has been going on in these days of high exchange ratio? The whole state of things has been changed. Instead of the trade flourishing now in India as in the olden days, everything is going the other way. From the year 1920 to 1928 the exchange ratio was at the normal rate; in 1928 it was again increased to 1s. 6d.; that is the rate that is prevailing even now. When the Congress people and other people found that their trade balance was going the other way and when they found that it was due to the exchange ratio being high, they made representations to the Governor-General; he refused to do anything in the matter. The power is in the hands of the Secretary of State to-day; the whole crux of the problem centres round that matter; people in this land know all about this question; the people must help themselves; what can the poor Secretary of State do? There is a statute, what is called the Gold Ordinance Statute; very great powers are vested in the Secretary of State under the Gold Ordinance Statute; it is clear that in future no gold can be sold to us in India; the rate may go on to 27s., 28s. or even 30s. What would be the result? The result will be this; I do not remember the name of the Chancellor of Exchequer then; he said in the course of the year 1929-30, 'We must fight with our backs to the wall; we cannot survive this financial crisis; the pound-value has gone down from 20s. to 6s. or 7s. in the neighbouring countries with which we have dealings.' He asked the question himself, what should be done; he said 'There we have got a gold mine in India.' What is the gold mine? Is it Narayanadoss's gold mine or the Gujarati gold mine? The gold mine is the hidden wealth, the hidden gold with the people of India. That law is still in force to-day; all the gold available with the unfortunate fellows, the agricultural ryots, who preserved some gold jewels of their wives and children, has been sold away for payment of the land-tax. How many millions of gold have been exported to Great Britain, I do not remember

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exactly; three hundred and fifty crores of rupees worth of gold has been exported from this land to Great Britain during all this period since it went off the Gold Standard.

"Hon. Mr. Langley thought that I was making an irrelevant reference to that matter in connexion with this Report. It is good that Mr. Langley opposed this point. This difficulty started long ago; it has been handed down to us. We know how the Central Government enacted laws and amended the Currency and Exchange Acts from time to time whenever it suited them. I have shown, Sir, how the enhancement of the ratio has affected the unfortunate agriculturists. If it is worked out, if an auditor is appointed, if an accountant is appointed and if the details are worked out, it will be known what loss—to the extent of many crores—has been sustained by the agriculturists on account of the Currency and Exchange policy of Great Britain; then, the truth will be known. It is the legitimate duty of this Committee to refer to this matter and to show to the Members of this House and the country generally how it is an additional tax imposed on the poor ryots. There is nothing untoward in the Committee referring to this matter in their Report. I have placed all these points before the House for the information of the hon. Member who referred to the whole matter in a very peculiar way."

SRI G. KRISHNA RAO:—"May I ask whether it is right to say in the preamble of the draft Bill that the indebtedness of the ryots to the extent of Rs. 200 crores is due to the zamindars?"

MR. SPEAKER:—"The hon. Member has intervened in the debate at a late stage; it is eight minutes past eight and the Hon. Mover of the motion is finishing his reply."

* THE HON. SRI T. PRAKASAM:—"I think the hon. Member's doubt must be cleared; I shall answer him. What is stated in the Report is only this; we have referred to the amount of the indebtedness of the agriculturists in the year 1895 as reported by the Economic Enquiry Committee; it is Rs. 45 crores. The Bill of 1898 which contains the provision of section 9 of Patta Regulation has been before the country for over forty years; we have stated the indebtedness of the ryots in this Presidency has risen from Rs. 45 crores to Rs. 200 crores; this enhancement has been going on during the last forty years; this is what is stated there; we have not stated that all this indebtedness is due to the enhancement of the rates alone.

"There is only one other matter to which I wish to refer briefly; all hon. Members must be hungry and you yourself, Sir, must be anxious to rise. The hon. Mr. Langley said it was very bad that we stated in one breath that Englishmen were high-minded and honest men, whenever they had said anything which suited the members of the Committee; that in the same breath,

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we said that Englishmen were foreigners, ill-qualified people, that they were not competent men and that they misconstrued the whole of the tenancy law of India by introducing their views about the land laws of Great Britain and the relationship of the landlord and tenant there, when considering the relationship of the landlord and ryot in this country. I may assure the Hon. Mr. Langley that I have friends in England even to-day, old friends, although I have not been seeing them; I have friends even among brick-layers even in the villages and among other classes of people. I am a great admirer of the British people with regard to the virtues which they possess. The Judges of the Sadar Adalat Court were men of experience who took part in the framing of the Regulations of 1802 and they were disposing of the cases; then Judges of the High Court arrived newly and took the places of the Judges of the old Court; when they came here, they brought with them the ideas of English Law in this matter; they misconstrued and misunderstood the position of the landholder and the ryot in India and the laws that applied to them; they applied the law relating to the landlord and tenant of Great Britain to this country; in that way there was miscarriage of justice. I had not the slightest idea of saying anything against the integrity and ability of those English Judges; of course they always tried to render justice as far as possible to the best of their ability. It was the hon. Mr. Forbes who referred to these Judges in his speech; hon. Members have got the necessary reference in their hands; it was he that referred to this point. He felt sorry that these new Judges should have imported their ideas of foreign law when dealing with the laws of this land. He did not make that remark at random as an irresponsible man; he had authority to say that; you will find it in the literature that has been placed in the hands of hon. Members. I do not know if I will be permitted to refer to those passages at this late hour; hon. Members may read the relevant portions. It is stated there that along with the Permanent Settlement, they established these courts also; they tried it first in Bengal; after they had tried it for six years in Bengal, they introduced Permanent Settlement here; they said, 'We have appointed these Judges who do not know the language of this country.' The whole thing has been misconstrued; they were of course the best fitted and the most competent people who could render justice; but they knew nothing of the habits and conditions of the people in this country; they admitted that the ryots in this country were indebted to the extent of many lakhs and that the debt was a great burden upon these poor people; they wanted to put a stop to it by legislation. It was admitted by the Government even then that these English Judges were ill-qualified, who had taken charge of this country not only to administer judicial matters but also revenue matters, and every other matter; they were people who could not speak

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the language of the people here, who could not ask and find out what the people wanted. It was admitted they were very able Judges; when the people of this country were not able to help themselves, these people should certainly have helped them and should have carried on business in a language which the people here could understand, and not in a language which they could not understand. The hon. Mr. Langley said that he knew his language and that he knew his countrymen. Now, I am giving chapter and verse from the writings of his own men. Let him take them and let him understand them and let him digest those things.

"I thank you, Sir, and I thank the hon. Members for the patient hearing they have accorded to me." (Applause.)

MR. SPEAKER:—"The House will now vote, after a full-dress debate of about 28 hours lasting for seven days. The original motion was—

that the Report of the Madras Estates Land Act Committee be taken into consideration,
and seconded, namely:

to which, the following amendments have since been duly moved

'Add at the end of the motion, the following:—

"1. By Sri KALA VENKATA RAO: That on such consideration, this House recommends to the Government to bring in legislation at an early date on the general basis of the majority recommendations of the Madras Estates Land Act Enquiry Committee.

"2. By Sri G. KRISHNA RAO: That on such consideration, this House recommends to the Government, that the report of the Madras Estates Land Act Committee be referred to a committee consisting of a Judge of the High Court, who shall be the President, a Member of the Board of Revenue, two representatives of the zamindars (one for the Madras Landholders' Association, and another for the Southern District Landholders' Association), two representatives of the ryots and the Advocate-General, for consideration and report.

"3. By MAHBOOB ALI BAIG SAHIB Bahadur: That on such consideration, this House is of opinion—

(a) that the ryot is the owner of the soil and that his liability is strictly confined to compulsory contribution of a share of his income, to the finances of the State for the purpose of meeting the expenditure, necessary for the governance of the State;

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(b) that the Permanent Settlement of 1802 is based upon wrong conception of the legal status of the ryot, and opposed to the legal and customary rights enjoyed by him from time immemorial;

(c) that the zamindari system should ultimately be abolished by payment of compensation to the zamindars and proprietors, for the rights acquired by them from the time of the Permanent Settlement;

(d) that, pending such an elimination of the zamindaris and other proprietary estates, by payment of compensation, the settlement of land revenue in the zamindari and other proprietary estates, be made immediately on the basis of ryotwari settlement principles;

(e) that in future, there shall be only one class of ryots, whose duty and privilege it should be to make their humble contribution to the coffers of the State, in proportion to their ability to pay;

and recommends to the Government to bring forward immediate legislation based on the abovesaid principles.

"4. By Sri SATHARISHI REDDIYAR: That on such consideration, this House recommends to the Government that a conference of the representatives of the zamindars and tenants may be convened by the Government, with a view to solve the tenancy problem in a just and equitable manner.

"5. By BASHEER AHMED SAYEED SAHIB Bahadur: That on such consideration, this Assembly is of the opinion that all the estates in the Province held by the landholders shall be liquidated on payment of just and reasonable compensation to be determined by an expert commission to be appointed by Government; that the compensation so determined shall be payable either in cash, if possible, or in Government bonds redeemable within a period of ten years; and that for effectuating this scheme of liquidation, the Provincial Government shall forthwith take all necessary steps including the raising of the required funds and the necessary legislation for fixation of the land-revenue assessment payable by the ryots in the estates so liquidated."

"I shall put the last amendment first to the vote. Mr. Basheer Ahmed is not present here. Under rule 57, 'if at the time of putting the question on a motion to the vote of the House, the mover of the motion is absent, it shall be considered to have been withdrawn by him, unless any member of the House asks that the

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question on the motion be put.' That is the position. (After a pause.) No member of the House having asked that the question be put, the amendment is deemed to have been withdrawn.

"I shall now put the fourth amendment of Mr. Saptharishi Reddiyar to the vote, unless it is withdrawn. What does the hon. Member say?"

SRI K. S. SATHARISHI REDDIYAR: "I am withdrawing the amendment."

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

MR. SPEAKER:—"The next amendment is that of Mr. Mahboob Ali Baig. Mr. Mahboob Ali Baig is absent, and no member having asked that the question be put, it is deemed to have been withdrawn."

SRI G. KRISHNA RAO:—"My amendment may be put and lost, Sir."

MR. SPEAKER:—"The question is—I shall read it once again to the House—

'That, on such consideration, this House recommends to the Government, that the report of the Madras Estates Land Act Committee be referred to a Committee consisting of a Judge of the High Court, who shall be the President, a member of the Board of Revenue, two representatives of the zamindars (one for the Madras Landholders' Association, and another for the Southern District Landholders' Association), two representatives of the ryots and the Advocate-General, for consideration and report.'"

The amendment was put and lost.

MR. SPEAKER:—"The next amendment is that of Mr. Kala Venkata Rao, viz.—

'That on such consideration, this House recommends to the Government to bring in legislation at an early date on the general basis of the majority recommendations of the Madras Estates Land Act Enquiry Committee.'"

The amendment was put and carried.

MR. SPEAKER:—"I shall now put the original motion, together with the amendment. The amended motion reads as below:—

'That the report of the Madras Estates Land Act Committee be taken into consideration, and that, on such consideration, this House recommends to the Government to bring in legislation at an early date on the general basis of the majority recommendations of the Madras Estates Land Act Enquiry Committee.'"

The motion as amended was put and carried.

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V.—MESSAGES FROM THE COUNCIL.

MR. SPEAKER:—"I have to announce to the House that I have received messages, dated the 27th January 1939, from the Hon. the President, Madras Legislative Council, transmitting the following Bills passed by the Assembly, which have been agreed to by the Council, without any amendment on the 27th January 1939, and signed by him:—

- (1) The Madras Registration of Births and Deaths (Amendment) Bill, 1939.
- (2) The Madras Revenue Recovery (Amendment) Bill, 1939.
- (3) The Madras Prevention of Adulteration (Amendment) Bill, 1939.

"The House will now adjourn and meet again at 3 p.m. on the 20th February 1939."

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

Notification appended to G.O. No. 6137, Home, dated 21st December 1938, prescribing the rates at which tax in respect of certain class of motor vehicles shall be payable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

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